

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Package Testing Procedures

RULE NO.: 5F-3.016

PURPOSE AND EFFECT: The purpose of Rule 5F-3.016, F.A.C., is to amend it to adopt the most recent national standards for package testing procedures as adopted by the National Conference on Weights and Measures and published in Fourth Edition (January 2005) of the National Institute of Standards and Technology Handbook 133. Adoption of the current national standards will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUBJECT AREA TO BE ADDRESSED: Requirements for package and labeling of commodities sold in package form in Florida and the procedures for testing of such packages.

SPECIFIC AUTHORITY: 531.41(3) FS.

LAWS IMPLEMENTED: 531.41(13) FS.

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

TIME AND DATE: 2:00 p.m., Monday, March 14, 2005

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-3.016 Package Testing Procedures.

The Department of Agriculture and Consumer Services hereby adopts the National Institute of Standards and Technology (NIST) Handbook 133, "Checking the Net Contents of Packaged Goods," Fourth Edition (January ~~2003~~ 2005) as the Rule for the procedures for testing packaged goods and commodities for net contents and incorporates said Handbook herein by this reference. A copy of NIST Handbook 133, Fourth Edition (January ~~2003~~ 2005) may be obtained from the National Conference on Weights and Measures, 15245 Shady Grove Road, Suite 130, Rockville, Maryland 20850, Phone: (240)632-9454 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm> <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>.

Specific Authority 531.41(3) FS. Law Implemented 531.41(13) FS. History--New 4-9-98, Amended 6-23-02, 6-29-03, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Implementation of Florida's System of School Improvement

RULE NO.: 6A-1.09981

PURPOSE AND EFFECT: The purpose of the rule development is to clarify the circumstances and the criteria to be considered by the Commissioner of Education in determining a grade that accurately reflects the performance of a school in certain situations.

SUBJECT AREA TO BE ADDRESSED: Commissioner of Education authority and guidelines on assigning school grades.

SPECIFIC AUTHORITY: 1001.02, 1008.22, 1008.33, 1008.345 FS.

LAW IMPLEMENTED: 1008.33, 1008.34, 1008.345 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michael Kooi, Assistant General Counsel, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-0442

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.09981 Implementation of Florida's System of School Improvement.

(1) through (8) No change.

(9) Accuracy and Representativeness of Performance Data. The Commissioner will review all information submitted by school districts to represent the performance of schools receiving a school performance grade.

(a) through (b) No change.

(c) The factors reviewed in determining a grade that accurately represents the performance of the school may include a lack of sufficient state-level assessment data, improprieties in the administration of the state-level assessment, insufficient number of students tested for the particular year in question, and/or other special circumstances that may affect the accuracy of the grade assigned. For purposes of this rule, "other special circumstances" may include an outbreak of illness at the school, loss of text booklets on delivery to the assessment company, or other circumstance that is beyond the control of the school. It may

also include any acts or omissions, whether intentional or not, on the part of the school, the district, or its employees that affects the reliability or validity of the state assessment results at a particular school.

(d)(e) No change.

Specific Authority 1001.02, 1008.22, 1008.33, 1008.345 FS. Law Implemented 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS. History--New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

The Dale Hickam Excellent Teaching Program 6A-10.060

PURPOSE AND EFFECT: The purpose of this rule development is to adjust one of the qualifications for who may be certified as eligible for the fee subsidies, incentives, and bonuses under Section 1012.72, Florida Statutes. The qualification relating to discipline of a teacher certificate will now only exclude those whose certificate has been disciplined within the last five years.

SUBJECT AREA TO BE ADDRESSED: Dale Hickam Excellent Teaching Program.

SPECIFIC AUTHORITY: 1012.72(4), 1001.02(2)(n) FS.

LAW IMPLEMENTED: 1012.72 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michael Kooi, Assistant General Counsel, Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-0442

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-10.060 The Dale Hickam Excellent Teaching Program.

(1) Eligibility for payment(s) of the certification fee subsidy, teaching salary bonus, and mentoring salary bonus, pursuant to Section 1012.72, Florida Statutes, requires the following:

(a) through (e) No change.

(f) Holding a valid Florida educator's certificate that has not never been subject to discipline as the result of a final order of the Education Practices Commission after a formal, informal, or show cause hearing or settlement agreement

within the five (5) years immediately prior to the district's certification pursuant to Section 1012.72(2)(c), Florida Statutes.

Specific Authority 1012.72 FS. Law Implemented 1012.72 FS. History--New 7-12-99, Amended 5-29-00, 5-25-04, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Governing the Procedure for Submittal and Review of Local Government Comprehensive Plans and Amendments 9J-11

RULE TITLES: RULE NOS.:

Submittal Requirements for Proposed Local Government Comprehensive Plans 9J-11.004

Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments 9J-11.006

Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment 9J-11.009

Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment 9J-11.010

Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review 9J-11.011

Submittal Requirements for Adopted Small Scale Development Amendments 9J-11.015

Action to Review Land Development Regulations 9J-11.020

PURPOSE AND EFFECT: The purpose and effect is to revise the rule to conform to current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: The revisions of Chapter 9J-11, F.A.C., pertaining to local government comprehensive plans, including submittal requirements, action upon receipt, review requirements and notices of intent. The revisions of Chapter 9J-11, F.A.C., pertaining to comprehensive plan amendments exempt from the twice per calendar year limitation on the adoption of comprehensive plan amendments. The revision of Chapter 9J-11, F.A.C., pertaining to the small scale development submittal requirements.

SPECIFIC AUTHORITY: 163.3177(9), 163.3202(5) FS.

LAW IMPLEMENTED: 163.3167(2),(3), 163.3175(2),(3),(4), 163.3177(1),(4),(6),(7),(9),(10), 163.3184(1),(2),(3),(4), (5),(6),(7),(14),(15),(16), 163.3187, 163.3187(1),(2),(5), 163.3189, 163.3191, 163.3202, 369.321(5), 380.06(6) FS.

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

TIME AND DATE: 8:30 a.m. – 9:30 a.m., March 15, 2005

PLACE: The Randall Kelley Training Center, Third Floor, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ray Eubanks, Plan Review Administrator, Division of Community Planning, Plan Review and Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or (850)922-1767, Suncom 292-1967 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Eubanks, Plan Review Administrator, Division of Community Planning, Plan Review and Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9J-11.004 Submittal Requirements for Proposed Local Government Comprehensive Plans.

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

(c) The comprehensive plan including goals, objectives, policies, maps, and support documents which include data and analyses specified in Rule 9J-5.005 ~~and subsection 9J-5.021(4)~~, Florida Administrative Code. Summaries of support documents may be submitted consistent with subsection 9J-5.005(2), Florida Administrative Code;

(d) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), 163.3177(1),(4)(b),(7),(9), 163.3184(2),(3),(14),(15), 163.3191 FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 11-24-02, _____.

9J-11.006 Submittal Requirements for Proposed Local Government Comprehensive Plan Amendments.

(1) No change.

(a) through 1. No change.

2. The date or dates on which the local governing body held the public hearing at which the transmittal of the plan amendment to the Department was approved and the date that the proposed amendment and one copy of each item specified under paragraphs 9J-11.006(1)(a), (b), and (c) ~~and (d)~~, Florida Administrative Code, was submitted to the appropriate agencies listed in subsection 9J-11.009(6), Florida Administrative Code;

3. through 7.d. No change.

e. Whether the amendment is directly related to an intergovernmental coordination element pursuant to sub-subparagraph 163.3177(6)(h)1.a., b. and; c. ~~and d~~, Florida Statutes;

f. through i. No change.

j. An amendment changing school concurrency service area boundary pursuant to subparagraph 163.3180(13) ~~(12)~~(c)2., Florida Statutes;

k. through r. No change.

s. An amendment addressing criteria or compatibility of land uses adjacent to or in close proximity to military installations pursuant to subsections 163.3187(1)(m), Florida Statutes;

t. An amendment establishing or implementing a rural land stewardship area pursuant to subsection 163.3177(11)(d), Florida Statutes;

u. An amendment incorporating the regional water supply work plan approved pursuant to Section 373.0361 and subsection 163.3177(6)(c), Florida Statutes;

v. An amendment implementing the Wekiva Study Area plan pursuant to Section 369.321, Florida Statutes.

8. through (3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(6),(9), 163.3184(1),(2),(3),(15), 163.3187(1),(2),(5), 163.3191, 369.321(5), 380.06(6) FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, _____.

9J-11.009 Action Upon Receipt of Proposed Local Government Comprehensive Plan Amendment.

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

(j) The commanding officer or designee of each military installation located within, adjacent or proximate to the local government (if the amendment would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation).

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2),(3), 163.3175(2), 163.3177(9), 163.3184(2),(3),(4),(5),(6) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, _____.

9J-11.010 Review of Proposed Local Government Comprehensive Plan or Proposed Plan Amendment.

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

(e) The review by military installations will be primarily in the context of public safety and the effect on the mission of the military installation, including, but not limited to whether the proposed change will be incompatible with the safety and noise standards contained in the Air Installation Compatible Use Zone (AICUZ), or Range Installation Compatible Use Zone (RAICUZ), if applicable; whether the proposed change is incompatible with the Installation Environmental Noise Management Program (IENMP), if applicable; whether the proposed change is incompatible with the findings of the Joint Land Use Study (JLUS) for the area if one has been completed; and whether the proposed change will adversely affect the military installation's mission.

Specific Authority 163.3177(9) FS. Law Implemented 163.3175(3), 163.3177(9),(10), 163.3184(1)(b),(6)(a),(b),(c), 163.3189(2) FS. History—New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 11-24-02, _____.

9J-11.011 Local Government Adoption of the Comprehensive Plan or Plan Amendment and Submittal for the Compliance Review.

(1) through (5)(a)5.d. No change.

e. A copy of any comments from a military installation identifying a possible adverse impact from the proposed amendment together with the local government's response to those comments.

6. through (10) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(3), ~~163.3175(4)~~, 163.3177(9), 163.3184(1)(b),(2),(6),(7),(15),(16), 163.3187(1), 163.3189, 163.3191, 380.06(6) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02,_____.

9J-11.015 Submittal Requirements for Adopted Small Scale Development Amendments.

(1) No change.

(2) The local governing body shall submit one copy of the small scale development amendment which shall include a future land use map depicting the newly adopted land use designation and the boundaries and location of the subject property in relationship to the surrounding street and thoroughfare network. A copy of the public hearing notice shall also be included in the submittal package. The local governing body shall simultaneously submit completed copies of Form RPM-BSP-Small Scale-1 effective ~~11/6/96~~, incorporated by reference with the Small Scale development amendment. Copies of Form RPM-BSP-Small Scale-1 may be obtained from the Department of Community Affairs, Division of Community Planning, Plan Processing Team.

Specific Authority 163.3177(9) FS. Law Implemented 163.3187 FS. History--New 11-10-93, Amended 11-6-96, 4-8-99,_____.

9J-11.020 Action to Review Land Development Regulations.

(1) No change.

(2) The Department shall review the submitted regulations to determine whether the regulations that are required by subsection 163.3202(2) ~~or subsection 163.3202(6)~~, Florida Statutes, have been adopted. The review shall be for the sole purpose of determining whether or not the required regulations have been adopted, and shall not address the consistency of the regulations with the plan.

(3) through (4) No change.

Specific Authority 163.3202(5) FS. Law Implemented 163.3202 FS. History--New 11-6-96, Amended 4-8-99, 11-24-02,_____.

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Grounds for Reasonable Cause for Compromise of Penalties	12-13.007
Guidelines for Determining Amount of Compromise	12-13.0075

PURPOSE AND EFFECT: The purpose of the rule development is to amend Rule 12-13.007, F.A.C. (Grounds for Reasonable Cause for Compromise of Penalties), and Rule 12-13.0075, F.A.C. (Guidelines for Determining Amount of Compromise), to incorporate the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise. This system is currently under development by the Department for purposes of providing guidelines to be used in determining the amount of compromise of penalty. The effect of the proposed amendments, when adopted, will be that the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise will be incorporated into the guidelines for determining the amount of compromise of penalty established in these administrative rules.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the development of the proposed amendments to Rules 12-13.007 and 12-13.0075, F.A.C., for purposes of including the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise currently under development by the Department.

SPECIFIC AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 213.05, 213.21 FS.

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robert Babin, Attorney, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4842, e-mail: babinr@dor.state.fl.us

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

DEPARTMENT OF REVENUE

Sales and Use Tax	RULE NOS.:
RULE TITLES:	
Sales Tax Brackets	12A-1.004
Vending Machines	12A-1.044

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.004, F.A.C. (Sales Tax Brackets), is to remove the sales tax bracket amounts that are also provided on the Department’s Internet site pursuant to the provisions of Section 212.12(11), F.S., and to update the information on how to obtain sales tax rate schedules and cards from the Department.

The purpose of the proposed amendments to Rule 12A-1.044, F.A.C. (Vending Machines), is to provide that the effective sales tax rates for sales of food, beverages, or other items of tangible personal property are provided in subsection (2) of Rule 12A-15.011, F.A.C., as amended.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed effective tax rates for sales made through vending machines in counties imposing a discretionary sales surtax, which are provided in subsection 12A-15.011(2), F.A.C., as amended.

SPECIFIC AUTHORITY: 212.0515, 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(10)(g),(14),(15),(16), (19),(24), 212.03(1),(3),(6), 212.031, 212.04(1), 212.05(1), 212.0515, 212.054(1),(2),(3)(l), 212.055, 212.07(1),(2), 212.08(1),(3),(7),(8), 212.11(1), 212.12(2),(3),(4),(9),(11), 212.18(2),(3) FS.

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

TIME AND DATE: 9:30 a.m., March 15, 2005

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-9407, e-mail: youngj@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.004 Sales Tax Brackets.

~~(1) The following effective tax brackets are applicable to all transactions taxable at the rate of 6%. For taxable sales in the amounts of more than \$1.09, 6 cents is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.~~

Amount of Sale	Tax	Amount of Sale	Tax
.10	.16	.51	.66
.17	.33	.67	.83
.34	.50	.84	1.09

~~(2) The following effective tax brackets are applicable to the transactions pursuant to s. 212.05(1)(e), F.S., that are taxable at the rate of 7%. For taxable sales in the amounts of more than \$1.09, 7 cents is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.~~

Amount of Sale	Tax	Amount of Sale	Tax
.10	.14	.58	.71
.15	.28	.72	.85
.29	.42	.86	1.09
.42	.57		.04

~~(3) The following effective tax brackets are applicable to the sale, rental, lease, use, consumption, or storage for use in this state of self propelled, power drawn, or power driven farm equipment taxable at the rate of 2.5%. For taxable sales in the amounts of more than \$2.09, 5 cents is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.~~

Amount of Sale	Tax
.10	.40
.41	.80
.81	1.20
1.21	1.60
1.61	2.00

~~(4)(a) The Department has prepared, for public use, schedules and rate cards to provide the sales tax effective brackets for counties that do not impose a discretionary sales surtax and for counties that impose one or more discretionary sales surtax. Copies are available, without cost, by one or more of the following methods: 1) downloading the appropriate Sales Tax Bracket Cards from the Department’s Internet site at www.myflorida.com/dor/taxes; or 2) faxing a forms request to the Distribution Center at (850)922-2208; 3) calling the Distribution Center at (850)488-8422; or 4) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department’s automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the appropriate Sales Tax Bracket Cards from the Department’s Internet site at the address shown inside the parentheses (www.myflorida.com/dor/taxes). Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.~~

(b) ~~For information regarding sales tax bracket effective for transactions in counties imposing discretionary sales surtaxes, see Rule 12A-15.002, F.A.C.~~

Specific Authority 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.03(1),(3),(6), 212.031(1)(c),(d), 212.04(1), 212.05(1), 212.08(3), 212.12(9),(11) FS. History—Revised 10-7-68, 6-16-72, Amended 9-24-81, 7-20-82, Formerly 12A-1.04, Amended 12-13-88, 8-10-92, 3-17-93, 12-13-94, 3-20-96, 6-19-01,_____.

12A-1.044 Vending Machines.

(1) No change.

(2) All sales made through vending machines of food, beverages, or other items are taxed in the manner provided in Section and at the rates established in s. 212.0515(2), F.S., except as provided in paragraphs (a)-(c). See subsection (2) of Rule 12A-15.011, F.A.C., for the effective tax rates for sales made through vending machines in counties imposing a discretionary sales surtax.

(a) through (c) No change.

(3) through (8) No change.

Specific Authority 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(10)(g),(14),(15),(16),(19),(24), 212.031, 212.05(1)(h), 212.0515, 212.054(1),(2),(3)(l), 212.055, 212.07(1), (2), 212.08(1),(7),(8), 212.11(1), 212.12(2),(3),(4),(9), 212.18(2),(3) FS. History—Revised 10-7-68, 6-16-72, 1-10-78, Amended 7-20-82, Formerly 12A-1.44, Amended 12-13-88, 5-11-92, 3-17-93, 9-14-93, 12-13-94, 3-20-96, 7-1-99, 6-19-01,_____.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Scope of Rules	12A-15.001
Surtax Sales Brackets	12A-15.002
The Sale of Food, Drink, and Tangible Personal Property at Concession Stands	12A-15.010
Coin-Operated Amusement and Vending Machines, and Other Devices	12A-15.011
Alcoholic and Malt Beverages	12A-15.012

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-15.001, F.A.C. (Scope of Rules), is to update the information on how to obtain a list of counties levying a discretionary sales surtax from the Department.

The purpose of the proposed amendments to Rule 12A-15.002, F.A.C. (Surtax Sales Tax Brackets), is to remove the sales tax bracket amounts that are also provided on the Department’s Internet site pursuant to the provisions of Section 212.12(11), F.S., and to update the information on how to obtain sales tax rate schedules and cards from the Department.

The purpose of the proposed amendments to Rule 12A-15.010, F.A.C. (The Sale of Food, Drink, and Tangible Personal Property at Concession Stands), is to provide the applicable divisor rates for counties imposing discretionary sales surtax at the rates of 1/4 percent and 1 1/4 percent for purposes of

computing tax, plus surtax, due on sales by concessionaires at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business.

The purpose of the proposed amendments to Rule 12A-15.011, F.A.C. (Coin-Operated Amusement and Vending Machines, and Other Devices), is to provide the divisors for counties that impose no surtax and counties that impose a discretionary sales surtax for purposes of computing the amount of tax, plus surtax, due on sales of food, beverages, and other items of tangible personal property made through vending machines and on charges for the use of amusement machines.

The purpose of the proposed amendments to Rule 12A-15.012, F.A.C. (Alcoholic and Malt Beverages), is to provide the applicable divisor rates for counties imposing discretionary sales surtax at the rates of 1/4 percent and 1 1/4 percent to be used for purposes of computing tax, plus surtax, due on sales of alcoholic beverages.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed effective tax brackets and the effective tax rates and divisors for sales of food, beverages, and other items of tangible personal property at concession stands or through vending machines, the effective tax rate for sales of alcoholic or malt beverages, and the effective tax rates for charges for the use of amusement machine.

SPECIFIC AUTHORITY: 212.05(1)(h), 212.0515, 212.07(2), 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(16),(24), 212.05(1)(h), 212.0515, 212.054, 212.055, 212.07(2),(4), 212.08(4), 212.12(9),(10),(11), 212.15(1),(4), 212.18(3) FS.

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

TIME AND DATE: 9:30 a.m., March 15, 2005

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green: (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-15.001 Scope of Rules.

(1) No change.

(2) The list of counties levying the surtax is subject to frequent revision. An up-to-date listing of counties levying the surtax is available, without cost, by one or more of the following methods: 1) downloading the appropriate Sales Tax Bracket Cards from the Department's Internet site at www.myflorida.com/dor/taxes; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.054(2),(4) FS. History—New 12-11-89, Amended 11-16-93,_____.

12A-15.002 Surtax Sales Brackets.

~~(1) SALES GREATER THAN \$5,000. On taxable transactions in which the sales price for any item of tangible personal property exceeds \$5,000, the first \$5,000 of sales price is subject to the appropriate bracket charges as provided in this rule section. The amount of sales price in excess of \$5,000 for any item of tangible personal property is taxed at 6%.~~

~~(2) 1/2% DISCRETIONARY SALES SURTAX.~~

~~(a) When the rate of the surtax is 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$2.09, 13 cents is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.~~

Amount of Sale	Tax	Amount of Sale	Tax
.10	.15	.01	
.16	.30	.02	
.31	.46	.03	
.47	.61	.04	
.62	.76	.05	
.77	.92	.06	
.93	1.07	.07	
1.08	1.23	.08	
1.24	1.38	.09	
1.39	1.53	.10	
1.54	1.69	.11	
1.70	1.84	.12	
1.85	2.09	.13	

(b) When the rate of the surtax is 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$2.09, 15 cents is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

Amount of Sale	Tax	Amount of Sale	Tax
.10	.13	1.07	1.20
.14	.26	1.21	1.33
.27	.40	1.34	1.46
.41	.53	1.47	1.60
.54	.66	1.61	1.73
.67	.80	1.74	1.86
.81	.93	1.87	2.09
.94	1.06	.08	

(c) When the rate of the surtax is 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2.5%. For taxable sales in the amounts of more than \$1, 3 cents is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

Amount of Sale	Tax
.10	.35
.36	.65
.66	1.00
.01	
.02	
.03	

~~(3) 3/4% DISCRETIONARY SALES SURTAX.~~

~~(a) When the rate of the surtax is 3/4%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$1.03, 7 cents is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.~~

Amount of Sale	Tax	Amount of Sale	Tax
.10	.14	.60	.74
.15	.29	.75	.88
.30	.44	.89	1.03
.45	.59	.04	

(b) When the rate of the surtax is 3/4%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$1.03, 8 cents is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.

Amount of Sale	Tax	Amount of Sale	Tax
.10	.12	.52	.64
.13	.25	.65	.77
.26	.38	.78	.90
.39	.51	.91	1.03
.05			
.06			
.07			
.08			

(c) When the rate of the surtax is 3/4%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been

taxable at the rate of 2 1/2%. For taxable sales in the amounts of more than \$4.09, 13 cents is to be charged on each \$4 of price, plus the tax amount due on any fractional part of \$4.

Amount of Sale	Tax	Amount of Sale	Tax
.10—.30	.01	2.16—2.46	.08
.31—.61	.02	2.47—2.76	.09
.62—.92	.03	2.77—3.07	.10
.93—1.23	.04	3.08—3.38	.11
1.24—1.53	.05	3.39—3.69	.12
1.54—1.84	.06	3.70—4.09	.13
1.85—2.15	.07		

~~(4) 1% DISCRETIONARY SALES SURTAX.~~

~~(a) When the rate of the surtax is 1%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$1.09, 7 cents is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.~~

Amount of Sale	Tax	Amount of Sale	Tax
.10—.14	.01	.58—.71	.05
.15—.28	.02	.72—.85	.06
.29—.42	.03	.86—1.09	.07
.43—.57	.04		

~~(b) When the rate of the surtax is 1%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$1.09, 8 cents is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.~~

Amount of Sale	Tax	Amount of Sale	Tax
.10—.12	.01	.51—.62	.05
.13—.25	.02	.63—.75	.06
.26—.37	.03	.76—.87	.07
.38—.50	.04	.88—1.09	.08

~~(c) When the rate of the surtax is 1%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2 1/2%. For taxable sales in the amounts of more than \$2.09, 7 cents is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.~~

Amount of Sale	Tax	Amount of Sale	Tax
.10—.28	.01	1.15—1.42	.05
.29—.57	.02	1.43—1.71	.06
.58—.85	.03	1.72—2.09	.07
.86—1.14	.04		

~~(5) 1 1/2% DISCRETIONARY SALES SURTAX.~~

~~(a) When the rate of the surtax is 1 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been~~

taxable at the rate of 6%. For taxable sales in the amounts of more than \$2.09, 15 cents is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

Amount of Sale	Tax	Amount of Sale	Tax
.10—.13	.01	1.07—1.20	.09
.14—.26	.02	1.21—1.33	.10
.27—.40	.03	1.34—1.46	.11
.41—.53	.04	1.47—1.60	.12
.54—.66	.05	1.61—1.73	.13
.67—.80	.06	1.74—1.86	.14
.81—.93	.07	1.87—2.09	.15
.94—1.06	.08		

~~(b) When the rate of the surtax is 1 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 7%. For taxable sales in the amounts of more than \$2.09, 17 cents is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.~~

Amount of Sale	Tax	Amount of Sale	Tax
.10—.11	.01	1.10—1.17	.10
.12—.23	.02	1.18—1.29	.11
.24—.35	.03	1.30—1.41	.12
.36—.47	.04	1.42—1.52	.13
.48—.58	.05	1.53—1.64	.14
.59—.70	.06	1.65—1.76	.15
.71—.82	.07	1.77—1.88	.16
.83—.94	.08	1.89—2.09	.17
.95—1.09	.09		

~~(c) When the rate of the surtax is 1 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2.5%. For taxable sales in the amounts of more than \$1, 4 cents is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.~~

Amount of Sale	Tax
.10—.25	.01
.26—.50	.02
.51—.75	.03
.76—1.09	.04

~~(6) The Department has prepared, for public use, schedules and rate cards to provide the sales tax effective brackets for counties imposing a discretionary sales surtax. Copies are available, without cost, by one or more of the following methods: 1) downloading the appropriate Sales Tax Bracket Cards from the Department's Internet site at www.myflorida.com/dor/taxes; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or, 3) using a~~

~~fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the appropriate Sales Tax Bracket Cards from the Department's Internet site at the address show inside the parentheses (www.myflorida.com/dor/taxes). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

~~Specific Authority 212.12(11), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.054, 212.055, 212.12(9),(10),(11) FS. History--New 12-11-89, Amended 8-10-92, 3-17-93, 12-13-94, 3-20-96, 6-19-01, _____.~~

12A-15.010 The Sale of Food, Drink, and Tangible Personal Property at Concession Stands.

(1)(a) Concessionaires at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business where it is impracticable to separately state Florida sales tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, may calculate tax due for counties imposing a surtax as follows:

1. Divide the total gross receipts by the divisors provided in paragraph (b) to compute taxable sales;

2. Subtract taxable sales from the total gross receipts to compute the amount of sales tax, plus surtax, due.

(b) Divisors for counties imposing surtax at the following rates are:

<u>Surtax Rate</u>	<u>Divisor</u>
No Surtax	1.0659
<u>1/4%</u>	<u>1.0678</u>
1/2%	1.0697
3/4%	1.0724
1%	1.0751
<u>1 1/4%</u>	<u>1.0773</u>
1 1/2%	1.0795

(2) No change.

~~Specific Authority 212.07(2), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.054, 212.055, 212.15(1),(4) FS. History--New 12-11-89, Amended 3-20-96, 6-19-01, _____.~~

12A-15.011 Coin-Operated Amusement and Vending Machines, and Other Devices.

(1) Amusement machine sales; effective tax rates.

(a) Charges for the use of amusement machines, as defined in Section 212.02(24), F.S., are subject to the surtax at the rate imposed by the county where the machine is located. To calculate the tax due in an applicable reporting period for amusement machines located in counties imposing a surtax:

1. Divide the total gross receipts from charges for the use of amusement machines by the divisors provided in paragraph (b) to compute taxable sales;

2. Subtract taxable sales from the total gross receipts to compute the amount of sales tax, plus surtax, due.

(b) Divisors for counties imposing surtax at the following rates are:

<u>Surtax Rate</u>	<u>Divisor</u>
No Surtax	1.040
<u>1/4%</u>	<u>1.0425</u>
1/2%	1.045
3/4%	1.0475
1%	1.050
<u>1 1/4%</u>	<u>1.0525</u>
1 1/2%	1.055

(c) No change.

(2)(a) Vending machine sales; effective tax rates. The amount of tax to be paid on food, beverages, and other items of tangible personal property that are sold in vending machines is subject to the surtax at the rate imposed by the county where the machine is located. To calculate the tax due in an applicable reporting period for vending machines located in counties imposing a surtax: Section 212.0515, F.S., provides the amount of tax to be paid on food, beverages, or other items of tangible personal property that are sold through vending machines.

1. Divide the total gross receipts from sales made through the vending machines by the divisors provided in paragraph (b) to compute gross taxable sales;

2. Subtract gross taxable sales from the total gross receipts to compute the amount of tax, plus surtax, due.

(b) Divisors for counties imposing surtax at the following rates are:

<u>Surtax Rate</u>	<u>Divisor for Food and Beverages</u>	<u>Divisor for Other Items of Tangible Personal Property</u>
No Surtax	1.0645	1.0659
<u>1/4%</u>	<u>1.0425</u>	<u>1.0683</u>
1/2%	1.0686	1.0707
<u>3/4%</u>	<u>1.0706</u>	<u>1.0727</u>
1%	1.0726	1.0749
<u>1 1/4%</u>	<u>1.07465</u>	<u>1.0770</u>
<u>1 1/2%</u>	<u>1.0767</u>	<u>1.0791</u>

(c) When an operator cannot account for each type of item sold through a vending machine, the highest divisor rate must be used to calculate the amount of sales tax, plus surtax, due for all products sold through that machine.

(3) No change.

~~Specific Authority 212.05(1)(h)(+), 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(24), 212.05(1)(h)(+), 212.0515, 212.054, 212.055, 212.07(2), 212.12(11), 212.18(3) FS. History--New 12-11-89, Amended 1-30-91, 5-12-92, 9-14-93, 11-16-93, 12-13-94, 3-20-96, 6-19-01, _____.~~

12A-15.012 Alcoholic and Malt Beverages.

(1) No change.

(2) DEALERS WHO DO NOT SELL MIXED DRINKS.

(a)1. When a dealer, located in a county imposing a surtax, who sells package goods but does not sell mixed drinks, does not put the public on notice that tax is included in the total charge, the dealer is required to remit tax at the following rates. The dealer should multiply the total gross receipts derived from the sale of package goods by the following effective tax rates to compute the amount of sales tax, plus surtax, due.

<u>County Surtax Rate</u>	<u>Effective Tax Rate</u>
No Surtax	.0635
<u>1/4%</u>	<u>.0656</u>
1/2%	.0677
3/4%	.07035
1%	.0730
<u>1 1/4%</u>	<u>.07395</u>
1 1/2%	.0776

2. No change.

(b)1. When a dealer, located in a county imposing a surtax, who sells package goods but does not sell mixed drinks, puts the public on notice through the posting of price lists or signs prominently throughout the business establishment that tax is included in the total charge, the dealer is required to remit tax in the following manner:

a. Divide the total gross receipts by the following divisors to compute taxable sales:

<u>County Surtax Rate</u>	<u>Divisor</u>
No Surtax	1.0635
<u>1/4%</u>	<u>1.0656</u>
1/2%	1.0677
3/4%	1.07035
1%	1.0730
<u>1 1/4%</u>	<u>1.0753</u>
1 1/2%	1.0776

b. Subtract taxable sales from the total gross receipts to compute the amount of sales tax, plus surtax, due.

2. No change.

(3) DEALERS WHO SELL MIXED DRINKS.

(a)1. When a dealer, located in a county imposing a surtax, sells mixed drinks or both mixed drinks and package goods and does NOT put the public on notice that tax is included in the total charge, the dealer is required to remit tax at the following rates. The dealer should multiply the total gross receipts derived from the sale of mixed drinks and package goods by the following effective tax rates to compute the amount of sales tax, plus surtax, due.

<u>County Surtax Rate</u>	<u>Effective Tax Rate</u>
No Surtax	.0659
<u>1/4%</u>	<u>.0678</u>
1/2%	.0697
3/4%	.0724
1%	.0751
<u>1 1/4%</u>	<u>.0773</u>
1 1/2%	.0795

2. No change.

(b)1. When a dealer, located in a county imposing a surtax, sells mixed drinks or both mixed drinks and package goods and puts the public on notice through the posting of price lists or signs prominently throughout the business establishment that tax is included in the total charge, the dealer is required to remit tax in the following manner:

a. Divide total gross receipts by the following divisors to compute taxable sales:

<u>County Surtax Rate</u>	<u>Divisor</u>
No Surtax	1.0659
<u>1/4%</u>	<u>1.0678</u>
1/2%	1.0697
3/4%	1.0724
1%	1.0751
<u>1 1/4%</u>	<u>1.0773</u>
1 1/2%	1.0795

b. Subtract taxable sales from the total gross receipts to compute the amount of sales tax, plus surtax, due.

2. No change.

Specific Authority 212.07(2), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(16), 212.054, 212.055, 212.07(2),(4), 212.08(4), 212.12(11), 212.15(1),(4) FS. History—New 12-11-89, Amended 3-20-96, 6-19-01, _____.

DEPARTMENT OF TRANSPORTATION

<u>RULE CHAPTER TITLE:</u>	<u>RULE CHAPTER NO.:</u>
Equipment and Operational Safety	
Standards for Bus Transit Systems	14-90
<u>RULE TITLES:</u>	<u>RULE NOS.:</u>
Scope	14-90.001
Definitions	14-90.002
Department Responsibilities and Authority	14-90.003
Bus Transit System Operational Standards	14-90.004
Medical Examinations for Bus Transit	
System Drivers	14-90.0041
Transit Bus Accidents	14-90.005
Operational and Driving Requirements	14-90.006
Vehicle and Equipment Standards and	
Procurement Criteria	14-90.007
Standards for Accessible Buses	14-90.008
Bus Safety Inspections	14-90.009
Certification	14-90.010
Inspection of Buses by Law	
Enforcement Officers	14-90.011
Safety and Security Inspections and Reviews	14-90.012

PURPOSE AND EFFECT: Chapter 14-90, F.A.C., is being amended, including the repeal of five rules. The medical examination report for public-sector bus drivers is revised.

SUBJECT AREA TO BE ADDRESSED: Chapter 14-90, F.A.C., is being amended.

SPECIFIC AUTHORITY: 334.044(2), 341.061(2)(a) FS.

LAW IMPLEMENTED: 334.044(12),(28), 341.041(3), 341.061(2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-90.001 Scope.

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 334.044(12), (21), 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, 8-2-94, Repealed.

14-90.002 Definitions.

~~(1)~~ “Accessible Bus” means any vehicle readily accessible to and usable by individuals with disabilities and meeting the requirements of Title 49, Code of Federal Regulations, Part 38, Subpart B—Buses, Vans, and Systems.

~~(1)(2)~~ “Bus” means any motor vehicle as defined in subsection 316.003(21) Florida Statutes, other than a taxicab, designed, constructed, and used for the public transport of persons for compensation. For purposes of this Rule Chapter, a bus means a public-sector bus which is owned, operated, leased, or controlled by a bus transit system. Buses are designated in two categories:-

(a) Type I ~~4~~. Over 22 feet in length, including bumpers.

(b) Type II ~~2~~. 22 feet or less in length, including bumpers. This category shall include ~~all such~~ paratransit type vehicles, such as i.e., minibuses, standard vans, modified vans, station wagons, and sedans etc., when used for the transportation of persons for compensation.

~~(3)~~ “Bus Driver” means any person who drives and is in actual physical control of a bus on a street or highway which is being used for the transportation of persons for compensation.

~~(2)(4)~~ “Bus Transit Systems” means a community transportation coordinator; a public transit provider; a private contract transit provider which owns, operates, leases, or controls buses or taxicabs where such transportation consists of continuous or recurring transportation under the same contract; or a privately owned or operated transit provider that receives

operational or capital funding from the Department and owns, operates, leases, or controls buses, other than nonpublic sector buses defined in Section 316.003, Florida Statutes, that provide transportation services available for use by the general riding public those systems defined in subsections 14-90.002(5), (10) and (13).

~~(3)(5)~~ “Community Transportation Coordinator” “Bus Transit System Created Pursuant to Chapter 427” means a provider of any public or private transportation entity designated as a Community Transportation Coordinator pursuant to Chapter 427, Florida Statutes, which provides eordinated transportation services or an entity that ensures such services are provided by another a transportation operator or private contract bus transit system.

~~(4)(6)~~ “Department” means the State of Florida Department of Transportation.

~~(5)(7)~~ “Drive” or “Operate” are terms which include all time spent at the ~~driving~~ controls of a bus in operation.

~~(6)~~ “Driver” means any person trained and designated to drive a bus on a street or highway which is being used for the public transport of persons for compensation.

~~(7)(8)~~ “FMVSS” means Federal Motor Vehicle Safety Standards in effect at the time the bus or component is manufactured.

~~(8)(9)~~ “For Compensation” means for a return in money, property, or of anything of value for service in transporting persons or property by buses over public highways, whether paid, received, or realized, directly or indirectly, and shall specifically be deemed to include any profit in money, goods, or things realized from such transportation.

~~(10)~~ “Governmentally Owned Bus Transit System” means any governmentally owned entity or agency, financed wholly or partly by state funds, that owns, operates, leases, or controls buses.

~~(9)(11)~~ “Manufacturer” ~~of the Chassis~~ means the original producer manufacturer of the chassis, or the producer manufacturer of any integral type of bus, or the producer of equipment installed on any bus for the purpose of transporting individuals with disabilities.

~~(10)(12)~~ “On Duty” means the status of the driver from the time he or she begins work, or is required to be in readiness to work, until the time the driver is relieved from work and all responsibility for performing work. “On Duty” includes all time spent by the driver as follows:

(a) Waiting to be dispatched at bus transit system terminals, facilities, or other private or public property, unless the driver has been completely relieved from duty by the bus transit system.

(b) Inspecting, servicing, or conditioning any vehicle.

(c) Driving.

(d) Remaining in readiness to operate a vehicle (sStand-by).

(e) Repairing, obtaining assistance, or remaining in attendance in or about a disabled vehicle.

(11) “Passenger” means a person who is on board, boarding, or alighting from a bus for the purposes of public transport.

~~(13) “Privately Owned or Operated Bus Transit System That is Financed Wholly or Partly by State Funds” means any private entity or agency that receives operational or capital funding from the state and owns, operates, leases, or controls buses that provide transportation services available for use by the general riding public.~~

~~(14) “Privately Owned or Operated Bus Transit System Under Contract” means an private entity or agency which owns, operates, leases, or controls buses or taxicabs and provides transportation services under contract for a bus transit system for compensation where such transportation consists of continuous or recurring transportation under the same contract. This term shall hereinafter be referred to as “private contract bus transit system”.~~

~~(15) “Public sector Bus” means a bus which is owned, operated, leased, or controlled by a bus transit system.~~

~~(12)(16) “Safe Condition” means a condition where hazards are reduced to the lowest level feasible through the most effective use of available resources and where substantial compliance exists with all safety rules, regulations, and requirements.~~

~~(17) “Safety Certification” means a formal statement or documentation declaring, verifying or attesting that safety requirements are incorporated in designs, construction, procurement activities, training and operation of a transit system.~~

~~(13)(18) “Safety Review” means an on-site assessment to determine if a bus transit system has adequate safety management controls in place and functioning that meet safety standards provided and incorporated by reference in this Rule Chapter.~~

~~(14) “Security” means freedom from harm resulting from intentional acts against passengers, employees, equipment, and facilities.~~

~~(15) “Security Program Plan (SPP)” means a document developed and adopted by the bus transit system detailing its policies, objectives, responsibilities, and procedures for the protection and defense of the system and persons from intentional acts of harm.~~

~~(16) “Security Review” means an on-site assessment to determine if a bus transit system has security management controls in place and functioning that meet security requirements provided in this Rule Chapter.~~

~~(19) “Seven Consecutive Days” means the period of seven consecutive twenty-four hour days beginning on any day at a time designated by the bus transit system for a 24-hour period.~~

~~(17)(20) “System Safety Program Plan (SSPP)” means a documented developed and adopted by the bus transit system detailing its policies, objectives, responsibilities, and procedures against injuries or damage organized approach and guide to accomplishing a system safety program.~~

~~(18)(21) “Taxicab” means any motor vehicle of a nine passenger capacity or less, including the driver, engaged in the general transportation of persons for compensation on occasional trips, not on a regular schedule or between fixed termini or over regular routes, where and such vehicle does not provide transportation services as a result of a contractual agreement with a bus transit system.~~

~~(19)(22) “Trailer Bus” means a trailing or towed vehicle trailer or semitrailer designed or used for the transportation of more than 10 persons, e.g., tram buses.~~

~~(23) “Twenty-four Hour Period” means any 24 consecutive hour period beginning at a time, designated by the bus transit system, from the terminal or location from which the driver is normally dispatched.~~

~~(20)(24) “Unsafe Condition” means any thing or circumstance condition which endangers human life or property.~~

~~(25) “Work Period” means the duration between the time a driver first reports for duty and the time a driver is completely relieved of all duties and is permitted to go off duty for a minimum of eight consecutive hours. The terms “work period” and “on duty” have the same meaning or intent in this rule chapter.~~

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, _____.

14-90.003 Department Responsibilities and Authority.

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, Repealed _____.

14-90.004 Bus Transit System Operational Standards.

(1) Each bus transit system shall develop and adopt an SSPP that complies, at a minimum, with established safety standards set forth in this Rule Chapter.

~~(a) Develop a SSPP that complies, at a minimum, with established safety standards set forth in this rule chapter. The SSPP plan shall address consist of safety considerations and standards for the following safety elements and requirements:~~

- ~~1. Safety policies and responsibilities. Management~~
- ~~2. Vehicles and equipment standards and procurement criteria.~~
- ~~3. Operational standards and procedures. functions~~
- ~~4. Bus driver and employee selection.~~
- ~~5.4. Driving requirements.~~
- ~~6. Bus driver and employee training.~~
- ~~7.5. Vehicle mMaintenance.~~

~~8. Investigations of events described under subsection 14-90.004(5), F.A.C.~~

~~9. Hazard identification and resolution.~~

~~10.6. Equipment for transporting wheelchairs.~~

~~11. Safety data acquisition and analysis.~~

~~7. Training~~

~~8. Federal, State, and Local regulations, ordinances, or laws~~

~~12.9. Safety standards for private contract bus transit system(s) that provide(s) continuous or recurring transportation services for compensation as a result of a contractual agreement with the bus transit system.~~

~~(b) Each bus transit system shall implement and comply with the SSPP during the operation of the system.~~

~~(c) Each bus transit system shall require that all operable transit buses be inspected at least annually in accordance with established standards.~~

~~(d) Assure that safety inspections are performed by personnel qualified by the bus transit system, as specified in subsection 14-90.009(2).~~

~~(d)(e) Each bus transit system shall annually submit a safety certification to the Department verifying the following: the adoption of a SSPP in accordance, at a minimum, with established standards set forth in this rule chapter.~~

~~1. Adoption of an SSPP in accordance, at a minimum, with established standards set forth in this Rule Chapter.~~

~~2. Compliance with its adopted SSPP and that safety inspections have been performed at least annually on all buses operated by the bus transit system, by persons meeting the requirements of Rule 14-90.009, F.A.C.~~

~~(f) Annually submit a safety certification to the Department verifying compliance with its adopted SSPP and that safety inspections have been performed by a qualified entity at least annually on all buses operated by the system.~~

~~(e)(g) Bus transit systems shall immediately suspend. Require immediate suspension of affected system service operations; if, at any time, continued operation of the system or a portion thereof, is unsafe believed not safe for passenger service or poses a potential danger to public safety.~~

~~(2) Each bus transit system shall develop and adopt an SPP that complies, at a minimum, with security requirements set forth in this Rule Chapter. The SPP shall be adopted separately from the SSPP. Bus transit systems that engage in a contract with a private contract bus transit system(s) pursuant to 14-90.004(1)(a)9. shall:~~

~~(a) The SPP shall address the following security requirements:~~

~~1. Security policies, goals, and objectives.~~

~~2. Organization, roles, and responsibilities.~~

~~3. Emergency management processes and procedures for mitigation, preparedness, response, and recovery.~~

4. Procedures for investigation of events described under subsection 14-90.004(5), F.A.C.

5. Procedures for the establishment of interfaces with other emergency response organizations.

6. Procedures for interagency coordination with local law enforcement jurisdictions.

7. Employee security and threat awareness training programs.

8. Security data acquisition and analysis.

9. Conduct and participation in emergency preparedness drills and exercises.

10. Security requirements for private contract transit provider(s) that provide(s) continuous or recurring transportation services for compensation as a result of a contractual agreement with the bus transit system.

11. Procedures for SPP maintenance and distribution.

(b) Each bus transit system shall implement and comply with the SPP during the operation of the system.

(c) Bus transit systems that engage in a contract with a private contract transit provider(s) shall:

1. Establish minimum security requirements which apply to private contract transit provider(s).

2. Monitor and assure each private contract transit provider complies with established security requirements during the term of the contract.

~~(a) Establish minimum safety standards pursuant to 14-90.004(1)(a) which apply to private contract bus transit system(s), as defined in 14-90.002(14).~~

~~(b) Monitor and assure the private contract bus transit system(s) comply(s) with established safety standards while engaged in a contract pursuant to 14-90.004(2).~~

(3) Bus transit systems shall establish criteria and procedures for selection, qualification, and training of all drivers. The criteria shall include the following:

(a) Driver qualifications and background checks with minimum hiring standards. Require that all buses be operated at all times in compliance with applicable traffic regulations, ordinances, and laws of the jurisdiction in which they are being operated.

(b) Driving and criminal background checks for all new drivers.

(c)(b) Verification and documentation. Require proof of valid driver licenses for all employees who drive buses in accordance with Chapter 322, Florida Statutes, and maintain a current legible photostatic record of each driver's license.

(d)(e) Training. Establish driver training and testing to demonstrate and ensure adequate skills and an employee's capabilities to safely operate each different type of bus or bus combination to before driving on a street or highway unsupervised, i.e., buses requiring different skills for drivers to

safely and properly drive. ~~At a minimum, d~~Drivers shall be given explicit instructional and procedural training and testing in the following areas ~~shall include~~:

1. Bus transit system safety and operational policies and procedures
2. Operational bus and equipment inspections.
3. Bus equipment familiarization.
4. Basic operations and maneuvering.
5. Boarding and alighting passengers.
6. Operation of wheelchair lift and other special equipment and driving conditions.
7. Defensive driving.
8. Passenger assistance and securement.
9. Handling of emergencies and security threats.
10. Security and threat awareness.

1. ~~Explicit instructional and procedural training regarding operational and driving requirements, defensive driving, equipment inspection and handling of emergencies.~~

2. ~~A road test of sufficient duration to enable the person who gives it to evaluate the skill of the person who takes it at handling the bus, and associated equipment, that the bus transit system intends for the person to operate.~~

3. ~~The road test shall be given by the bus transit system or a person designated by it.~~

4. ~~The road test shall be given by a person who is competent to evaluate and determine whether the person who takes the test has demonstrated the capability of operating the vehicle, and associated equipment, that the bus transit system intends for the person to drive.~~

~~(d) Establish driver training for operation of special equipment on buses, such as wheelchair lifts, ramps and wheelchair securement devices, as applicable.~~

~~(e) Bus transit systems shall pProvide written operational and safety procedures to all bus drivers before driving on a street or highway unsupervised. These procedures and instructions shall address, at a minimum, the following:~~

1. Communication and handling of unsafe conditions, security threats, and emergencies.
2. Familiarization and operation of safety and emergency equipment, wheelchair lift equipment, and restraining devices.
3. Application and compliance with applicable federal and state rules and regulations.

~~(f) The provisions in (d) and (e) above shall not apply to personnel licensed and authorized by the bus transit system to temporarily drive, move, or road test a bus to perform repairs or maintenance services where it has been determined that such temporary operation does not create an unsafe operating condition or create a hazard to public safety. Maintain a current record of the different types of buses and bus special equipment each driver is capable of driving and operating.~~

~~(g) Bus transit systems shall maintain the following records for at least four years:~~

1. Records of bus driver background checks and qualifications.

2. Detailed descriptions of training administered and completed by each bus driver.

3. ~~A Maintain~~ a record of each bus driver's duty status work period which shall include ~~documentation of the following:~~ 1. ~~t~~Total days worked, 2. ~~o~~On-duty hours, 3. ~~d~~Driving hours, and 4. ~~t~~Time of reporting on and off duty each day.

~~(h) Notwithstanding the provisions of Section 316.193, 316.1931, 316.1932, 316.1933, 316.1934, Florida Statutes, pursuant to driving under the influence, each Bbus transit system shall establish a drug-free workplace policy statement in accordance with Title 49, C.F.R. Code of Federal Regulations, Part 29, "Government-wide Requirements for Drug-Free Workplace (Grants)" and a substance abuse management and testing program in accordance with 49 C.F.R. Parts 40 and 655, hereby incorporated by reference, Drug-Free Workplace Act.~~

~~(i) Assure that the SSPP provides for the prevention of an employee to drive, move or cause to be driven or moved, on any street or highway, any bus:~~

1. ~~Which is in such unsafe condition as to endanger any person or property.~~

2. ~~Which does not contain those safety parts or is not at all times equipped with safety equipment and devices in proper condition and adjustment as required by Chapter 316, Florida Statutes, and this rule chapter.~~

3. ~~Which is equipped in any manner in violation of Chapter 316, Florida Statutes, and this rule chapter.~~

4. ~~The provisions of this subsection shall not apply to personnel authorized by the bus transit system to temporarily drive, move, or road test a bus to perform repairs or maintenance services and it has been determined that such temporary operation does not create an unsafe operating condition or create a hazard to public safety.~~

~~(i)(j) Bus transit systems shall rRequire that drivers write and submit a daily bus inspection report pursuant to Rule subsections 14-90.006(7) and (8), F.A.C.~~

~~(4) Bus Maintenance. Bus transit systems shall establish a maintenance plan and procedures for preventative and routine maintenance for all buses operated. The maintenance plan and procedures Bus transit systems shall assure: All buses operated shall be properly maintained and equipped with all required parts necessary to ensure such buses are in safe and proper operating condition at all times.~~

~~(a) That all buses operated, and all parts and accessories on such buses, including those specified in Rules 14-90.007, F.A.C. and 14-90-008, and any additional parts and accessories which may affect safety of operation, including frame and frame assemblies, suspension systems, axles and attaching parts, wheels and rims, and steering systems, are regularly and systematically inspected, maintained, and lubricated at a~~

~~minimum~~ in accordance with the standards developed and established, at a minimum, according to the bus manufacturer's recommendations and requirements in the SSPP to ensure they are in safe and proper operating condition.

(b) ~~That a recording and tracking system is established for A method of indicating~~ the types of inspections, maintenance, and lubrication intervals, ~~including to be performed on each bus and~~ the date or mileage when these services are due. ~~Required m~~Maintenance inspections ~~required~~ shall be more comprehensive than daily inspections performed by the driver.

(c) That proper preventive maintenance is performed when a bus is assigned away from the system's regular maintenance facility, or when maintenance services are performed under contract.

(d) ~~That The maintenance of~~ records are maintained providing written documentation of preventive maintenance, regular maintenance, inspections, lubrication, and repairs performed for each bus under their control. Such records shall be maintained by the bus transit system for at least four years and include at a minimum the following information:

1. Identification of the bus, including make, model, and license number or other means of positive identification and ownership.

2. Date, mileage, and type of inspection, maintenance, lubrication, or repair performed.

3. Date, mileage, and description of each inspection, maintenance, and ~~or~~ lubrication intervals performed.

4. If not owned by the bus transit system, the name of any person or lessor furnishing any bus.

5. The name and address of any entity or contractor performing an inspection, maintenance, lubrication, or repair.

(5) Each bus transit system shall investigate, or cause to be investigated, any event involving a bus or taking place on bus transit system controlled property resulting in a fatality, injury, or property damage as follows:

(a) A fatality, where an individual is confirmed dead within 30 days of a bus transit system related event, excluding suicides and deaths from illnesses.

(b) Injuries requiring immediate medical attention away from the scene for two or more individuals.

(c) Property damage to bus transit system bus(es), non-bus transit system vehicles, other bus system property or facilities, or any other property, except the bus transit system shall have the discretion to investigate events resulting in property damage less than \$1,000.

(d) Evacuation of a bus due to a life safety event where there is imminent danger to passengers on the bus, excluding evacuations due to operational issues.

(6) Each investigation shall be documented in a final report that includes a description of investigation activities, identified causal factors, and any identified corrective action plan.

(a) Each corrective action plan shall identify the action to be taken by the bus transit system and the schedule for its implementation.

(b) The bus transit system must monitor and track the implementation of each corrective action plan.

(7) Investigation reports, corrective action plans, and related supporting documentation shall be maintained by the bus transit system a minimum of four years from the date of completion of the investigation.

(8) On or before January 1, 2006, every bus transit system shall comply with the 2005 amendments to this Rule.

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92,

14-90.0041 Medical Physical Examinations for Bus Transit System Drivers.

(1) Bus transit systems shall establish medical physical examination requirements for all applicants for driver positions new and for existing drivers current employees who drive (will drive) buses as defined in Rule Sections 14-90.002(2) and (3). The medical examination requirements shall include a pre-employment examination for applicants, an examination As part of the physical examination requirements, all employees who are bus drivers must receive an initial physical examination and one at least once every two years for existing drivers, and a return to duty examination for any driver prior to returning to duty after having been off duty for 30 or more days due to an illness, medical condition, or injury.

~~(a) Physical examinations shall be performed by the examining physician according to the instructions, and recorded by the physician on Department of Transportation Form Number 775-030-01, "Physical Examination for Public Sector Bus Driver," 07/92, which is hereby incorporated by reference. Copies of Form Number 775-030-01 are available from the Florida Department of Transportation, Public Transit Office, 605 Suwannee Street, Mail Station 26, Tallahassee, Florida 32399-0450.~~

(2)(b) Medical Physical examinations may be performed and recorded according to qualification standards in a form adopted by the bus transit system, provided the medical physical examination qualification standards requirements and the form adopted by the bus transit system meet or exceed those that provided in by Department Form Number 775-030-11, Medical Examination Report for Bus Transit System Driver, Rev. 02/05, hereby incorporated by reference. Copies of Form Number 775-030-11 are available from the Florida Department of Transportation, Public Transit Office, 605 Suwannee Street, Mail Station 26, Tallahassee, Florida 32399-0450 or on-line at www.dot.state.fl.us/transit. The physical examination shall be performed and recorded by a physician meeting the requirements of Rule 14-90.0041(1)(b).

~~(3)1-~~ Medical Physical examinations shall be performed by a Doctor of Medicine or Osteopathy, Physician Assistant, or Advanced Registered Nurse Practitioner licensed or certified by the State of Florida. If medical examinations are performed by a Physician Assistant or Advanced Registered Nurse Practitioner, they must be performed under the supervision or review of a Doctor of Medicine or Osteopathy.

~~(a)2-~~ An ophthalmologist or optometrist licensed by the State of Florida may perform as ~~so~~ much of the examination as pertains to visual acuity, field of vision, and color recognition.

~~(b)~~ Upon completion of the examination, the medical examiner shall complete, sign, and date the medical examination report.

~~(4)(e)~~ Bus transit systems shall have on file proof of medical physical examination, i.e., a completed and signed medical examination report for each bus driver, dated within the past 24 months.

~~(2)~~ Medical examination reports Records and results of physical examinations of employee bus drivers shall be maintained by the bus transit system for a minimum of four years from the date of the examination.

~~(3)~~ On or before January 1, 2006, every bus transit system shall comply with the 2005 amendments to this Rule.

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 334.044(12), 341.041(3), 341.061(2) FS. History—New 11-10-92, Amended _____.

14-90.005 Transit Bus Accidents.

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, Repealed _____.

14-90.006 Operational and Driving Requirements.

(1) Bus transit systems shall not permit a driver to drive a bus when such driver's license has been suspended, cancelled, or revoked. Bus transit systems shall require a driver who receives a notice that his or her license to operate a motor vehicle has been suspended, cancelled, or revoked to notify his or her employer of the contents of the notice immediately, ~~or~~ no later than the end of the business day following the day he or she received the notice ~~it~~.

~~(2)~~ Public sector Bbuses shall be operated at all times in compliance with applicable traffic regulations, ordinances, and laws of the jurisdiction in which they are being operated.

~~(3)~~ A The driver of a bus shall not be permitted or required to drive more than 12 hours in any one 24-hour period, or drive after having been on duty for 16 hours in any one 24-hour period, or drive more than 70 hours in any period of seven consecutive calendar days. A driver shall not be permitted to drive until the requirement of a minimum eight consecutive hours off-duty has been fulfilled. A driver's work period shall begin from the time he or she first reports for duty to his or her employer. A driver is permitted to exceed his or her regulated

hours in order to reach a regularly established relief or dispatch point, provided the additional driving time does not exceed one hour.

~~(4)~~ A driver shall not be permitted or required to be on duty more than 72 hours in any period of seven consecutive days; however, 24 consecutive hours off duty shall constitute the end of any such period of seven consecutive days.

~~(a)~~ A driver who has reached the maximum ~~72~~ 42 driving hours of ~~or 16~~ hours on duty time during the seven consecutive days shall be required to have a minimum of 24 consecutive hours off duty prior to returning to on duty status ~~eight~~ within any one 24-hour period.

~~(b)~~ A driver's work period shall begin from the time a driver first reports for duty for his or her employer.

~~(5)(4)~~ A driver is ~~may~~ be permitted to drive for more than the regulated hours for safety and protection of the public due to if the hours are necessitated by adverse conditions such as adverse resulting from weather, disaster, security threat, a road or traffic condition, medical emergency, or emergencies resulting from an accident, medical reasons, or disaster.

~~(5)~~ The driver of a bus may be permitted to exceed his or her regulated hours in order to reach a regularly established relief point, provided the additional driving time does not exceed one hour.

~~(6)~~ Bus transit systems shall not permit or require any driver to No driver shall drive a bus when his or her ability is ~~so~~ impaired, or ~~so~~ likely to be impaired, by fatigue, illness, or other causes, as to make it unsafe for the driver to begin or continue driving. Bus transit systems shall not permit or require any driver to drive a bus when his or her ability is ~~so~~ impaired by such condition as to make it unsafe for the driver to begin or continue driving.

~~(7)~~ Bus transit systems shall require pre-operational or daily inspection and reporting of each driver to submit a daily written report indicating the condition of the bus and listing all defects and deficiencies likely to affect safe operation or cause mechanical malfunctions.

~~(a)~~ An Prior to operation of a bus, or no less than daily if the bus is ~~so~~ operated, an inspection or test shall be made of the following parts and devices to ascertain that they are in safe condition and in good working order:

1. Service brakes,
2. Parking brakes,
3. Tires and wheels,
4. Steering,
5. Horn,
6. Lighting dDevices,
7. Windshield wWipers,
8. Rear vision mirrors,
9. Passenger doors,

10. Exhaust ~~s~~System.
11. Equipment for transporting wheelchairs.
12. Safety, security, and ~~e~~Emergency equipment.

(b) Bus transit systems shall review daily inspection reports and document corrective actions taken as a result of any deficiencies identified by daily inspections.

(c)(b) Bus transit systems shall retain records of daily bus inspections and any corrective action documentation a minimum of two weeks.

(8) A bus with passenger doors in the open position shall not be operated with passengers aboard. The doors shall not be opened until the bus is stopped. A bus with inoperable passenger doors shall not be operated with passengers aboard, except to move a bus to a safe location.

(9) During darkness, interior lighting and lighting in stepwells on buses shall be sufficient for passengers to enter and exit safely.

(10) Passenger(s) shall not be permitted in the stepwell(s) of any bus while the bus is in motion, or to occupy an area forward of the standee line ~~as required in subsection 14-90.007(14).~~

(11) ~~Standee P~~passenger(s) shall not be permitted to stand on buses not designed and constructed for that purpose.

(12) Buses shall not be refueled in a closed building. The fueling of buses when passengers are being carried shall be reduced to the minimum number of times necessary during such transportation.

(13) ~~With passenger(s) aboard, T~~the bus transit system shall require the driver to be properly secured to the driver's seat with a restraining belt at all times while the bus is in motion.

(14) Buses shall not be left unattended with passenger(s) aboard for longer than 15 minutes. The parking or holding brake device must be properly set at any time the bus is left unattended.

(15) Buses shall not be left unattended in an unsafe condition with passenger(s) aboard at any time.

(16) On or before January 1, 2006, every bus transit system shall comply with the 2005 amendments to this Rule.

~~(16) The provisions of Subsections 14-90.006(8), (9), (10), (11), (12) shall not apply to persons testing or training a driver, maintenance personnel or a sales or manufacturer's representative.~~

~~(17) Buses carrying passengers shall stop at all railroad grade crossings in compliance with Section 316.159, Florida Statutes.~~

~~(18) Whenever a bus 80 or more inches in width or 30 feet or more in length is stopped (except when lawfully stopped to pick up or discharge passengers) or disabled upon a roadway or adjacent shoulder, warning lights and devices shall be displayed as required by Section 316.301, Florida Statutes.~~

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 5-31-89, 11-10-92,

14-90.007 Vehicle Equipment Standards and Procurement Criteria Devices Required.

~~At the time of manufacture, every public-sector bus operated on or over the streets and highways of this State shall be equipped in compliance with applicable Federal Motor Vehicle Safety Standards (Title 49 C. F. R. Part 571); and the State of Florida Uniform Traffic Control Laws (Chapter 316, Florida Statutes); (available from the Florida Department of Transportation, Public Transit Office, 605 Suwannee Street, Mail Station 26, Tallahassee, Florida 32399-0450), which regulations are hereby incorporated by reference and made a part of these rules. With the exception of certain date of manufacture exemptions, as specified herein, every public-sector bus operated on or over the streets and highways of this State shall be equipped as follows:~~

(1) Every bus transit system shall ensure that buses procured and operated meet the following, at a minimum, as applicable:

(a) The capability and strength to carry the maximum allowed load and not exceed the manufacturer's gross vehicle weight rating (GVWR), gross axle weighting, or tire rating.

(b) Structural integrity that mitigates or minimizes the adverse effects of collisions.

(c) Federal Motor Vehicle Safety Standards (FMVSS), 49 C.F.R. Part 571, Sections 102, 103, 104, 105, 108, 207, 209, 210, 217, 220, 221, 225, 302, 403, and 404, hereby incorporated by reference.

(2) Proof of strength and structural integrity tests on new buses procured shall be submitted by manufacturers or bus transit systems to the Department.

(3) In addition to the above, every bus operated in this state shall be equipped as follows:

~~(1) Horn. The horn must be capable of emitting sound audible under normal conditions from a distance of not less than 200 feet and having an activating device which is easily accessible to the driver.~~

~~(2) Windshield Wipers. There must be the same number of windshield wipers as originally equipped at time of manufacture, or equipped with adequate number of wipers to properly clean the windshield(s). The wipers shall be activated by a device(s) easily accessible to the driver.~~

~~(a)(3) Mirrors. There must be two exterior rear vision mirrors, one at each side. The mirrors shall be firmly attached to the outside of the bus and so located as to reflect to the driver a view of the highway to the rear along both sides of the vehicle. Each exterior rear vision mirror, on Type I buses; manufactured on or after February 7, 1988, shall have a minimum reflective surface of 50 square inches and the right (curbside) mirror shall be located on the bus so that the lowest most part of the mirror and its mounting is at a minimum of 80~~

inches above the ground. All Type I buses shall, in addition to the above requirement, be equipped with an inside rear vision ~~view~~ mirror capable of giving the driver a clear view of seated or standing passengers, and buses having a passenger exit door that is located inconveniently for the driver's visual control shall be equipped with additional ~~an~~ interior mirror(s), ~~or a combination of mirrors,~~ enabling the driver to view the passenger exit door ~~during egress of passenger(s).~~ The exterior right (curbside) rear vision mirror and its mounting on Type I buses may be located lower than 80 inches from the ground, provided such buses are used exclusively for paratransit services ~~operations~~, as defined in Section 341.031, Florida Statutes. In lieu of interior mirrors, trailer buses and articulated buses may be equipped with closed circuit video systems or adult monitors in voice control with the driver.

~~(b)(4)~~ Wiring and Battery. Electrical wiring shall be maintained so as not to come in contact with moving parts, or heated surfaces, or be subject to chafing or abrasion which may cause insulation to become worn. Every Type I bus manufactured on or after February 7, 1988, shall be equipped with a storage battery(ies) electrical power main disconnect switch. The disconnect switch shall be practicably located in an accessible location adjacent to or near to the battery(ies) and be legibly and permanently marked for identification. Every storage battery on each public-sector bus shall be mounted with proper retainment ~~retainers~~ or securement ~~devices~~ in a compartment which provides adequate ventilation and drainage.

~~(5) Service Brakes, Parking Brakes. Braking systems shall comply with Subsections 316.261(1), (2), (3), (8), (9), (10), or Section 316.262, Florida Statutes, as applicable, and shall be maintained in good working order in compliance with Section 316.263, Florida Statutes.~~

~~(c)(a) Brake Interlock Systems.~~ All Type I buses having a rear ~~passenger~~ exit door shall be equipped with a rear exit door/brake interlock that automatically applies the brake(s) ~~on the bus~~ upon driver activation of the rear ~~passenger~~ exit door to the open position. Interlock brake application shall remain activated until deactivation by the driver and the rear exit door returns to the closed position. The rear exit door interlock on such buses shall be equipped with an identified override switch enabling emergency release of the interlock function, which ~~and~~ shall not be located within reach of the seated driver.

~~(b)~~ Air pressure application to the brake(s) during interlock operation, on buses equipped with rear exit door/brake interlock, shall be regulated at the original equipment manufacturer's specifications.

~~(6) Warning Devices. Every bus using compressed air, vacuum or a combination thereof, shall be equipped with gauges and warning signal devices as required by Subsection 316.261, Florida Statutes. These required warning devices shall not have override switches.~~

~~(7) Directional Signals. Every bus shall be equipped with electrical turn signal devices which shall meet the requirements of Subsection 316.234(2), Florida Statutes.~~

~~(a) Lamps shall be located and mounted as widely spaced laterally as practical.~~

~~(b) Lenses on lamps may be single faced, double faced or incorporated into the parking lamp assembly. Lenses shall indicate white or amber to the front and red or amber to the rear.~~

~~(8) Hazard Warning Signals. Every bus manufactured on or after January 1, 1964, shall be equipped with a vehicular hazard warning signal operating unit.~~

~~(a) Signals shall operate independently of the ignition, master or equivalent switch.~~

~~(b) The operating unit shall cause to flash simultaneously sufficient turn signal lamps as required by FMVSS 108, "Lamps, Reflective Devices and Associated Equipment", (Title 49 C. F. R. Part 571, Section 108, effective October 2, 1986).~~

~~(c) Buses manufactured on or after February 7, 1988, that are equipped with engine or other access door(s) that obscure hazard warning signals with the door(s) raised or in the open position, shall be equipped with rear auxiliary hazard warning signals, which when lighted, shall be visible from a distance of 500 feet to the rear of the bus. Auxiliary hazard warning signals may be activated and operated independently of the main hazard warning signals on the bus.~~

~~(9) Stop Lamp. There must be at least two lamps on the rear of the bus which shall display red or amber light upon application of the service (foot) brakes or air activated parking brakes, or activation of the passenger exit door control to open position and application of the brake(s) as required in subsection 14 90.007(5)(a). The lamps shall be visible from a distance of no less than 300 feet to the rear of the bus and shall be securely mounted.~~

~~(10) Tail Lamps. There must be at least two tail lamps which are in compliance with Section 316.221, Florida Statutes.~~

~~(11) Head Lamps. There must be at least two head lamps mounted in equal number on each side. The head lamps shall be in proper adjustment in compliance with Sections 316.220 and 316.237, Florida Statutes.~~

~~(12) Clearance Lamps, Identification Lamps, Marker Lamps, Backup Lamps, and Reflectors. Such lamps and reflectors in the kind, size and number and shall be mounted to comply with the requirements for Sections 316.2225, 316.224, 316.225, 316.226, Florida Statutes.~~

~~(13) Deceleration Lights. Buses may be equipped with a deceleration lighting system in accordance with Subsection 316.235(5), Florida Statutes, which cautions following vehicles that the bus is slowing, preparing to stop, or stopped.~~

~~(4)(14) Standee Line and Warning. Every bus designed and constructed to allow standees, shall be plainly marked with a line of contrasting color at least two inches wide or be~~

equipped with some other means to indicate that any passenger is prohibited from occupying a space forward of a perpendicular plane drawn through the rear of the driver's seat and perpendicular to the longitudinal axis of the bus. A sign shall be posted at or near the front of the bus stating that it is a violation for a bus to be operated with passengers occupying an area forward of the line.

~~(5)(15)~~ Handrails and Stanchions. Every bus designed and constructed to allow standees shall be equipped with overhead grab rails for standee passengers. Overhead grab rails shall be continuous, except for a gap at the rear exit doorway, and terminate into vertical stanchions or turn up into a ceiling fastener. Every Type I and Type II bus designed for carrying more than 16 passengers shall be equipped with grab handles, stanchions, or bars at least 10 inches long and installed to permit safe on-board circulation, seating and standing assistance, and boarding and unboarding by elderly and handicapped persons. Type I buses shall be equipped with a safety bar and panel directly behind each entry and exit stepwell.

~~(6)(16)~~ Flooring, Steps, and Thresholds. Flooring, steps, and thresholds on all buses shall have slip resistant surfaces without protruding or sharp edges, lips, or ~~and~~ overhangs, to prevent tripping hazards. All step edges and thresholds shall have a band of color(s) running the full width of the step or edge which contrasts with ~~from~~ the step tread and riser, either light-on-dark or dark-on-light.

~~(7)(17)~~ Doors. Power activated doors on all buses shall be equipped with a manual device designed to release door closing pressure.

~~(8)(18)~~ Emergency Exits. All buses shall have an emergency exit door, or in lieu thereof, shall be provided with emergency escape push-out windows. Each emergency escape window shall be in a form of a parallelogram with dimensions of not less than 18" by 24", and each shall contain an area of not less than 432 square inches. There shall be a sufficient number of such push-out or kick-out windows in each vehicle to provide a total escape area equivalent to 67 square inches per seat, including the driver's seat. No less than 40% of the total escape area shall be on one side of the vehicle. Emergency escape kick-out or push-out windows shall be conspicuously marked by a sign or light and shall always be kept in good working order so that they may be readily opened in an emergency. All such windows shall not be obstructed by bars or other such means located either inside or outside so as to hinder escape. Buses equipped with an auxiliary door for emergency exit shall be equipped with an audible alarm and light indicating to the driver, when a door is ajar or opened while the engine is running. Supplemental security locks operable by a key are prohibited on emergency exit doors unless these security locks are equipped and connected with an ignition interlock system or an audio visual alarm located in the driver's compartment. Any supplemental security lock

system used on emergency exits shall be kept unlocked whenever a bus is in operation. Every Type I bus shall be equipped with emergency door(s) or exits, or side windows or roof hatches as required by FMVSS No. 217 "Bus Window Retention and Release" (Title 49 C. F. R. Part 571, Section 217, effective August 26, 1982). Every Type I bus equipped with an auxiliary door for emergency exit shall be equipped with an audible alarm or light indicating to the driver, should the door become ajar or opened while the engine is running. Every Type II bus shall be equipped with at least one emergency door or push-out escape window either at the rear of the bus or on each side, to the rear of the driver's seat. All emergency exits shall function properly, shall be periodically tested to ensure proper performance and shall be marked by a visible sign indicating "Emergency Exit" or "Emergency Door". Supplemental security locks operable by a key are prohibited on emergency exit doors unless these security locks are equipped and connected with an ignition interlock system or an audio visual alarm located in the driver's compartment. Any supplemental security lock system used on emergency exits shall be kept unlocked whenever a bus is in operation.

~~(9)(19)~~ Tires and Wheels. Tires shall be properly inflated in accordance with manufacturer's recommendations.

(a) No bus shall be operated with a tread groove pattern depth:

1. Less than 4/32 (1/8) of an inch, measured at any point on a major tread groove for tires on the steering axle of all buses. The measurements shall not be made where tie bars, humps, or fillets are located.

2. Less than 2/32 (1/16) of an inch, measured at any point on a major tread groove for all other tires of all buses. The measurements shall not be made where tie bars, humps, or fillets are located.

(b) No bus shall be operated with recapped, regrooved, or retreaded tires on the steering axle.

(c) Wheels shall be visibly free from cracks and; distortion and shall not have missing, cracked, or broken mounting lugs.

~~(10)(20)~~ Suspension. The suspension system of all buses, including springs, air bags, and all other suspension parts as applicable, shall be free from cracks, leaks, or any other defect which would or may cause its impairment or failure to function properly.

~~(21) Exhaust System. The exhaust system of all buses shall be maintained in compliance with Section 316.272, Florida Statutes.~~

~~(11)(22)~~ Steering and Front Axle. The steering system of all buses shall have no indication of leaks which would or may cause its impairment to function properly, and shall be free from cracks and excessive wear of components that would or may cause excessive free play or loose motion in the steering system or ~~and~~ above normal effort in steering control.

~~(12)(23)~~ Seat Belts. Every bus shall be equipped with an adjustable driver's restraining belt in compliance with the requirements of FMVSS 209, "Seat Belt Assemblies" (Title 49 C.F.R. Part 571.209, Section 209, effective September 5, 1986) and FMVSS 210, "Seat Belt Assembly Anchorages" (Title 49 C. F. R. Part 571.210, Section 210, effective August 19, 1986).

~~(13)(24)~~ Safety Equipment. Every bus shall be equipped with one fully charged dry chemical or carbon dioxide fire extinguisher, having at least a 1A:BC rating and bearing the label of Underwriter's Laboratory, Inc.

(a) Each fire extinguisher shall be securely mounted on the bus in a conspicuous place or a clearly marked compartment and be readily accessible.

(b) Each fire extinguisher shall be maintained in efficient operating condition and equipped with some means of determining if it is fully charged.

(c) Every Type I bus shall be equipped with portable red reflector warning devices in compliance with Section 316.300, Florida Statutes.

(14) Buses used for the purpose of transporting individuals with disabilities shall meet the requirements set forth in 49 C.F.R. Part 38, hereby incorporated by reference, and the following:

(a) Installation of a wheelchair lift or ramp shall not cause the manufacturer's gross vehicle weight rating, gross axle weight rating, or tire rating to be exceeded.

(b) Except in locations within 3 1/2 inches of the bus floor, all readily accessible exposed edges or other hazardous protrusions of parts of wheelchair lift assemblies or ramps that are located in the passenger compartment shall be padded with energy absorbing material to mitigate injury in normal use and in case of a collision. This requirement shall also apply to parts of the bus associated with the operation of the lift or ramp.

(c) The controls for operating the lift shall be at a location where the bus driver or lift attendant has a full view, unobstructed by passengers, of the lift platform, its entrance and exit, and the wheelchair passenger, either directly or with partial assistance of mirrors. Lifts located entirely to the rear of the driver's seat shall not be operable from the driver's seat, but shall have an override control at the driver's position that can be activated to prevent the lift from being operated by the other controls (except for emergency manual operation upon power failure).

(d) The installation of the wheelchair lift or ramp and its controls and the method of attachment in the bus body or chassis shall not diminish the structural integrity of the bus nor cause a hazardous imbalance of the bus. No part of the assembly, when installed and stowed, shall extend laterally beyond the normal side contour of the bus nor vertically beyond the lowest part of the rim of the wheel closest to the lift.

(e) Each wheelchair lift or ramp assembly shall be legibly and permanently marked by the manufacturer or installer with the following minimum information:

1. The manufacturer's name and address.

2. The month and year of manufacture.

3. A certificate that the wheelchair lift or ramp securement devices, and their installation, conform to State of Florida requirements applicable to accessible buses.

(15) Wheelchair lifts, ramps, securement devices, and restraints shall be inspected and maintained as required in this Rule Chapter. Instructions for normal and emergency operation of the lift or ramp shall be carried or displayed in every bus.

(16) On or before January 1, 2006, every bus transit system and manufacturer shall comply with the 2005 amendments to this Rule.

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, _____

14-90.008 Standards for Accessible Buses.

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92, Repealed _____

14-90.009 ~~Public-sector~~ Bus Safety Inspections Procedures.

(1) Each bus transit system shall require that all buses operated by such bus transit system, and all buses operated by a private operating under contract with the transit provider system, be inspected at least annually in accordance with bus inspection procedures set forth in this Rule section.

(2) It shall be the bus transit system's responsibility to ensure that each individual performing a bus safety inspection under Rule Section 14-90.009(4) is qualified as follows:

(a) Understands the requirements set forth in this Rule Chapter rules 14-90.007, 14-90.008, 14-90.009, and can identify defective components.

(b) Is knowledgeable of and has mastered the methods, procedures, tools, and equipment used when performing an inspection.

(c) Has at least one year of training and/or experience as a mechanic or inspector in a vehicle maintenance program and has sufficient general knowledge of buses owned and operated by the bus transit system to recognize deficiencies or mechanical defects.

(3) Each ~~public-sector~~ bus receiving a safety inspection shall be checked for compliance with the safety devices and equipment requirements as referenced or specified herein. Specific operable equipment and devices as required by this Rule Chapter include the following (as applicable to Type I or II bus(es)):

- (a) Horn~~_.~~
- (b) Windshield ~~w~~Wipers~~_.~~
- (c) Mirrors~~_.~~
- (d) Wiring and ~~b~~Battery(ies)~~_.~~
- (e) Service and ~~p~~Parking ~~b~~Brakes~~_.~~
- (f) Warning ~~d~~Devices~~_.~~
- (g) Directional ~~s~~Signals~~_.~~
- (h) Hazard ~~w~~Warning ~~s~~Signals~~_.~~
- (i) Lighting ~~s~~Systems and ~~s~~Signaling ~~d~~Devices~~_.~~
- (j) Handrails and ~~s~~Stanchions~~_.~~
- (k) Standee ~~l~~Line and ~~w~~Warning~~_.~~
- (l) Doors and ~~i~~nterlock ~~d~~Devices~~_.~~
- (m) Stepwells and ~~f~~looring~~_.~~
- (n) Emergency ~~e~~Exits~~_.~~
- (o) Tires and ~~w~~heels~~_.~~
- (p) Suspension ~~s~~ystem~~_.~~
- (q) Steering ~~s~~ystem~~_.~~
- (r) Exhaust ~~s~~ystem~~_.~~
- (s) Seat ~~b~~elts~~_.~~
- (t) Safety ~~e~~quipment~~_.~~
- (u) Equipment for ~~t~~ransporting ~~w~~heelchairs~~_.~~

(4) A safety inspection report shall be prepared by the individual(s) performing the inspection which shall include the following:

- (a) Identification of the individual(s) performing the inspection.
- (b) Identification of the bus transit system operating the bus.
- (c) The date of the inspection.
- (d) Identification of the bus inspected.
- (e) Identification of the equipment and devices inspected including the identification of equipment and devices found deficient or defective, and describe the results of the inspection.

(f) Identification of corrective action(s) for deficient or defective items and date(s) of completion of corrective action(s).

(5) Records of annual safety inspections and documentation of any required corrective actions shall be retained a minimum of four years by the bus transit system for ~~future~~ compliance review.

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended 11-10-92,_____.

14-90.010 ~~Safety~~ Certification.

(1) Each bus transit system shall annually submit ~~to the Department~~ a safety and security certification to the Department. The certification shall be submitted no later than February 15, annually for the prior calendar year period. The certification shall attest to which verifies the following:

(a) The adoption of an SSPP and an SPP in accordance, at a minimum, with established standards set forth in this the Rule Chapter.

(b) Compliance with its adopted SSPP and SPP.

(c) Performance of safety inspections on all buses operated by the system in accordance with this Rule Chapter 14-90.009.

(d) Reviews of the SSPP and SPP have been conducted to ensure they are up to date.

(2) The ~~safety~~ certification shall include:

(a) The name and address of the bus transit system, and the name and address of the entity(ies) which has (have) performed bus safety inspections and security assessments, if different from that of the bus transit system.

(b) A statement signed by an officer or person directly responsible for management of the bus transit system attesting to compliance with this Rule Chapter 14-90.010(1)(a), (b), (e).

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 334.044(28), 341.041(3), 341.061(2) FS. History—New 9-7-87, Amended _____.

14-90.011 Inspection of Buses by Law Enforcement Officers.

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 341.041(3), 341.061(2), 316.610 FS. History—New 9-7-87, Repealed _____.

14-90.012 Safety and Security Inspections and Reviews Suspension of Operation.

(1) The Department, or its designee, is authorized to conduct inspections of bus transit systems to ascertain compliance with the provisions of this Rule Chapter.

(2) The Department, or its designee, is authorized to conduct a safety and security review of any bus transit system which the Department believes to be in noncompliance with its SSPP or SPP and providing passenger service operations in an unsafe manner, or there is evidence of an immediate danger to public safety. The Department shall prepare and submit a report of the review to the affected bus transit system. The report shall be submitted to the bus transit system within three business days of completion of the review and contain the following:

(a) Identification of the findings, including a detailed description of the deficiency(ies).

(b) Required corrective action(s) and schedule for implementation of corrective action(s).

(c) Any requirements for suspension of bus transit system service should the Department determine the continued operation of the service, or a portion thereof, poses an immediate danger to public safety.

(3) The ~~If the~~ Department shall initiate the following actions to suspend the affected bus transit system service if a specific deficiency(ies) or unsafe condition(s) exists to the extent determines that a bus transit system is not in compliance with the provisions of this rule chapter and the continued

operation of the system, or a portion thereof, is not safe for passenger service or is posing a potential danger or threat to public safety the Department shall initiate the following actions to suspend the affected system service.

~~(a)(1) Immediately n~~Notify the affected bus transit system of the unsafe condition(s), followed by a certified letter describing the ~~mail~~, of specific deficiency(ies) ~~non-compliance items~~ or unsafe conditions. The notification shall include establish the following:

~~1.(a) Required corrective actions A specific timetable for specific deficiency(ies) correction of non-compliance items or unsafe condition(s).~~

~~2.(b) Requirements for A requirement that the bus transit system to certify in writing to the Department of completion and implementation of required corrective action(s) in accordance with an established implementation schedule the timetable.~~

~~(b)(2) Conduct an on-site review of if the bus transit system to verify does not certify correction of specific deficiency(ies) non-compliance items in accordance with this Rule Sections 14-90.012(1)(a) and (b) and the established implementation schedule a resolution and timetable for correction of safety items.~~

~~(c)(3) Initiate legal action to Ssuspend affected passenger service operations if the bus transit system fails to correct specific deficiency(ies) in accordance with this Rule and the established implementation schedule comply with the resolution and timetable established during the on-site review.~~

~~(4) The affected passenger service operations shall be suspended until the Department has substantiated compliance by the bus transit system.~~

Specific Authority 334.044(2), 341.061(2)(a) FS. Law Implemented 334.044(28), 341.041(3), 341.061(2), 316.610 FS. History--New 11-10-92, Amended _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural RULE CHAPTER NO.: 40D-1

RULE TITLE: Forms and Instructions RULE NO.: 40D-1.659

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form No. 04.10 R-025 (8/02), Notification and Request for Transfer of a Water Use Permit, to reflect the recent changes to Rule 40D-2.351, F.A.C.,

concerning the transfer of Water Use Permits upon a change in ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located. The amendment includes a change to the form number, to Form No. LEG-R002.01(2/05). The amendment to Rule 40D-1.659, F.A.C., incorporates the revised form.

SUBJECT AREA TO BE ADDRESSED: Amendment of Form No. 04.10 R-025 (8/02), Notification and Request for Transfer of a Water Use Permit. The amendment to Rule 40D-1.659, F.A.C., incorporates the revised form.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651 THE PRELIMINARY DRAFT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Regulation of Wells RULE CHAPTER NO.: 40D-3

RULE TITLE: Location RULE NO.: 40D-3.505

PURPOSE AND EFFECT: The proposed rule amendment will provide the District with a mechanism to review and act upon Well Construction Permit (WCP) applications in areas of known groundwater contamination that have been identified by the Environmental Protection Agency, the Department of Environmental Protection, or local governments.

SUBJECT AREA TO BE ADDRESSED: Construction of water wells in areas of known groundwater contamination.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.309, 373.337 FS.

LAW IMPLEMENTED: 373.306, 373.308, 373.309 FS.

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental
RULE CHAPTER NO.: 40D-4

Resource Permits
RULE TITLE: Definitions
RULE NO.: 40D-4.021

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the definitions of the terms "alteration" and "new surface water management system".

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment clarifies two definitions in the District's environmental resource permitting rules.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.403, 373.419 FS.

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental
RULE CHAPTER NO.: 40D-4

Resource Permits
RULE TITLES: Publications and Agreements Incorporated by Reference
RULE NOS.: 40D-4.091, 40D-4.351

PURPOSE AND EFFECT: The proposed amendment to Rule 40D-4.091, F.A.C. will incorporate proposed changes to subsection 3.3.7.6 of the District's Environmental Resource Permitting Basis of Review (ERP Basis of Review). The proposed changes to the ERP Basis of Review delete references to impractical or nonexistent methods for demonstrating the financial responsibility necessary to conduct certain wetland mitigation activities.

The proposed amendment to Rule 40D-4.351, F.A.C. clarifies that a Formal Determination of Wetlands and Other Surface Waters issued pursuant to Rule 40D-4.042, F.A.C., may be transferred to a successor in interest to the party who originally petitioned for the determination.

SUBJECT AREA TO BE ADDRESSED: There are two subject areas addressed by this rulemaking. The first subject addresses the mechanics for providing financial responsibility for wetland mitigation. The second subject is transfer of formal wetland delineations to subsequent landowners.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

General Environmental 40D-40
 Resource Permits

RULE TITLE: RULE NO.:

General Conditions 40D-40.381

PURPOSE AND EFFECT: The purpose and effect of the proposed rule revision is to include a new limiting general condition in all General Environmental Resource Permits for Minor Surface Water Management Systems. The proposed permit condition emphasizes that the permit was issued based upon the applicant’s certification that the project meets all applicable rules and specifications, and informs the applicant that the applicant will be required to correct any later discovered deficiencies in the project design or construction.

SUBJECT AREA TO BE ADDRESSED: Limiting general conditions for all General Environmental Resource Permits for Minor Surface Water Management Systems.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.117, 373.413, 373.414, 373.416, 373.419 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352) 796-7211, Extension 4651
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Environmental Resource Permits 40D-400

RULE TITLE: RULE NO.:

General Permit for Construction, Operation, Maintenance, Alteration, Abandonment or Removal of Minor Silvicultural Surface Water Management Systems 40D-400.500

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to adopt the 2003 version of the Silviculture Best Management Practices Manual published by the Division of Forestry, Florida Department of Agriculture and Consumer Services into Rule 40D-400.500, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Inclusion of the current Silviculture Best Management Practices Manual into Rule 40D-400.500, F.A.C., which describes Noticed General Permits for silvicultural surface water management systems.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only: 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER TITLE: RULE CHAPTER NO.:

School Readiness Services 60BB-4

PURPOSE AND EFFECT: In December 2004, at its 2004 Special Session “A,” the Florida Legislature enacted House Bill 1-A (ch. 2004-484, L.O.F.), which revised Section 411.01, F.S. (School Readiness Act), effective January 2, 2005. Section 411.01(4)(e), of ch. 2004-484, L.O.F. provides the Agency for Workforce Innovation with the authority to adopt rules to administer the provisions of the law.

SUBJECT AREA TO BE ADDRESSED: The following is a list of subject areas that may be addressed through the rulemaking process:

- (a) Performance standards and outcome measures which include, but are not limited to, defining school readiness skills and standards;
- (b) Program expectations;
- (c) Child eligibility and enrollment issues, including but not limited to application procedures and eligibility requirements including health and safety standards;

- (d) Fiscal requirements, including but not limited to: administrative costs, attendance certification, funding requirements, monitoring requirements and disallowances;
- (e) Coalition mergers, including consolidation procedures and early termination of coalition member terms;
- (f) Early learning coalition board membership issues, including: establishing minimum and maximum number of members that may serve on the board, criteria and appointment of private-sector members, and setting review criteria for appointment of members who may or may not have a substantial financial interest.
- (g) Implementation of school readiness plans including the monitoring of performance standards and outcome measures, the adoption of criteria to approve school readiness plans, and sanctions for the coalition’s failure to correctly implement said plan;
- (h) Payment rates as adopted by the early learning coalition and approved by the Agency for Workforce Innovation; and
- (i) Funding issues, including the adoption of a formula for the allocation among early learning coalitions of all state and federal school readiness funds based upon equity and performance.

SPECIFIC AUTHORITY: House Bill 1-A (ch. 2004-484, L.O.F.), 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(4)(d)(8), 411.01(5)(c), 411.01(j), 411.01(9), 411.01(5), 411.01(9)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kelley Cramer, Senior Attorney, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER TITLE: Voluntary Pre-Kindergarten (VPK) RULE CHAPTER NO.: 60BB-8

PURPOSE AND EFFECT: In December 2004, at its 2004 Special Session “A,” the Florida Legislature enacted House Bill 1-A (ch. 2004-484, L.O.F.), which created the Voluntary Pre-Kindergarten (“VPK”) program, effective January 2, 2005. Section 1002.79(2), ch. 2004-484, L.O.F. provides the Agency for Workforce Innovation with the authority to adopt rules to administer the provisions of the law.

SUBJECT AREA TO BE ADDRESSED:

- (a) Child eligibility and enrollment including application procedures, forms and eligibility requirements;
- (b) Provider profiles and registration including school services, curriculum, instructor credentials, instructor-to-student ratio, and the provider’s school readiness rate as calculated in accordance with Section 1002.69, F.S.;
- (c) Accountability of providers including performance standards, curricula, and sanctions for non-compliance or misconduct;
- (d) Procedures for payment of private pre-kindergarten providers and public schools delivering the voluntary prekindergarten program;
- (e) Uniform attendance policy including the establishment of definitions of excused and unexcused absences, an attendance verification policy, attendance certification forms, monitoring, compliance, and sanctions.
- (f) Fiscal requirements including administrative costs, attendance certification, funding requirements, and disallowance.

SPECIFIC AUTHORITY: House Bill 1-A (ch. 2004-484, L.O.F.), 1002.79(2) FS.

LAW IMPLEMENTED: 1002.53, 1002.65, 1002.71 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kelley Cramer, Senior Attorney, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER TITLE: Florida Clean Indoor Air Act and Stand-Alone Bar Smoking Designations RULE CHAPTER NO.: 61A-7

RULE TITLES: Records Required to Maintain the Designation Formula for Compliance with Required Percentage of Gross Food Sales Revenues RULE NOS.: 61A-7.006

For Percentage of Gross Alcohol Sales for Consumption on the Licensed Premises Revenue Formula 61A-7.007

Method Used to Determine Whether an Establishment is Predominately Dedicated to the Serving of Alcoholic Beverages 61A-7.009

61A-7.008

61A-7.009

61A-7.007

61A-7.008

61A-7.009

61A-7.008

61A-7.009

61A-7.009

61A-7.009

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

SUBJECT AREA TO BE ADDRESSED: The Florida Clean Indoor Air Act and smoking in stand-alone bars.

SPECIFIC AUTHORITY: 386.2125, 561.695(9) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mike Martinez, Special Counsel, Florida Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32366, (850)488-0063

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61A-7.006 Records Required to Maintain the Designation.

(1) Stand-alone bars holding an “ss” or “ssf” designation shall maintain records to substantiate reports, affidavits and designation qualifications. Records of all purchases of food, all gross retail sales of alcohol for consumption on the licensed premises, all gross retail sales of alcohol for consumption off the licensed premises, all gross retail sales of food sold for consumption on the premises, all gross retail sales of food sold for consumption off the premises, and gross revenue from all other sales shall be separately documented.

(2) Stand-alone bars holding an “ss” or “ssf” designation shall maintain complete and accurate records of all sales and purchases. Records shall include, but are not limited to, purchase invoices, sales tickets, inventory records, receiving records, cash register journal tapes, on premises food sales records, computer records generated from automatic dispensing devices, Department of Revenue Sales Tax Returns, and any other record documenting sales. Sales records shall be sequentially organized by month and year and include a monthly statement summarizing the total sales revenue, food revenue, and percentage of food revenue for each month.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History–New _____.

61A-7.007 Formula for Compliance with Required Percentage of Gross Food Sales Revenues.

In order to determine compliance, the division shall use the formula of gross food sales revenue from the sale of food the licensee sells for consumption on premises, including but not limited to non-alcoholic beverages, divided by gross total sales revenue, in any consecutive two month period. The results of

the formula will represent the percentage of food sales revenues as defined herein and in Section 561.695, Florida Statutes.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History–New _____.

61A-7.008 For Percentage of Gross Alcohol Sales for Consumption on the Licensed Premises Revenue Formula.

In order to determine compliance, the division shall use the formula of gross alcohol sales revenues from the sale of alcohol the licensee sells for consumption on premises, divided by gross total sales revenue, in any consecutive two-month period.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History–New _____.

61A-7.009 Method Used to Determine Whether an Establishment is Predominately Dedicated to the Serving of Alcoholic Beverages.

In order to determine whether an establishment, other than one holding a specialty license designated in Rule 61A-7.003, F.A.C., is predominantly dedicated to the serving of alcoholic beverages for consumption on the licensed premises, the division shall compare the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption on premises with the following categories of revenue:

(1) For stand-alone bars holding the “ss” designation:

(a) The percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption off the premises where the purchaser is required to enter the premises.

(b) The percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption off the premises where the purchaser is not required to enter the premises, and

(c) The percentage of gross revenue from any source not included in the alcohol categories above.

If the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption on premises is greater than that of the gross sales revenue from each individual category of gross sales in paragraphs 61A-7.009(1)(a)-(c), F.A.C., an establishment is deemed predominately dedicated to the serving of alcoholic beverages.

(2) For stand-alone bars holding the “ssf” designation:

The percentage of gross food sales revenue from the sale of food the licensee sells for consumption on premises,

(a) The percentage of gross food sales revenue from the sale of food the licensee sells for consumption off premises,

(b) The percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption off the premises, and

(c) The percentage of gross revenue from any source not included in the food and alcohol categories above.

If the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption on premises is greater than that of the gross sales revenue from each individual category of gross sales in paragraphs 61A-7.009(2)(a)-(d), F.A.C., an establishment is deemed predominately dedicated to the serving of alcoholic beverages.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Board of Licensing

RULE TITLE: Local Disciplinary Actions

RULE NO.: 61G4-20.001

PURPOSE AND EFFECT: The Board proposes to amend the criteria for orders related to registered contractors.

SUBJECT AREA TO BE ADDRESSED: Local disciplinary Actions.

SPECIFIC AUTHORITY: 120, 489.108, 489.113, 489.117 FS.

LAW IMPLEMENTED: 489.131 FS.

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

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

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

DEPARTMENT OF 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 Clinical Laboratory Personnel

RULE TITLE: Technologist

RULE NO.: 64B3-5.003

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

SUBJECT AREA TO BE ADDRESSED: Technologist.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Requirements for Board Approval of

RULE NO.: 64B7-28.010

Continuing Education Programs

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

SUBJECT AREA TO BE ADDRESSED: Requirements for Board Approval of Continuing Education Programs.

SPECIFIC AUTHORITY: 456.013(8),(9), 456.025(7), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8),(9), 456.025(7), 480.0415 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-28.010 Requirements for Board Approval of Continuing Education Programs.

(1) For the purpose of renewing or reactivating a license credit will be approved for programs which are offered by providers whose programs are approved by the Board. In order to receive Board approval to provide one or more programs as a provider, an applicant shall:

(a) Submit a completed Massage Continuing Education Program Provider Registration Application, BMT5, and ~~Approved Provider~~ Supplemental Program/Instructor Information, BMT6, incorporated herein by reference, and a

non-refundable application fee of \$250. The forms will be effective 2-18-98, copies of which may be obtained from the Board office at: 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

(b) Sign and abide by written agreement to:

1. Provide an identifiable person to be responsible for ensuring that each program presented under their Board of Massage Therapy provider registration number meets program requirements set forth in subsection (2) below.

2. Retain a "sign-in-sheet" with the signature of participants and copies of any promotional materials for at least 4 years following the course.

3. Provide each participant with a certificate of attendance verifying the program has been completed. The certificate shall not be issued until completion of the program and shall contain the provider's name and registration number, title of program and program number, instructor, date, number of contact hours of credit, the licensee's name and license number.

4. Notify the Board of any significant changes relative to the maintenance of standards as set forth in these rules.

(2) Each continuing education program presented for license renewal credit or to satisfy initial licensure requirements by a Board approved provider shall:

(a) Meet the standards of subsection 64B7-28.009(2), paragraph (3)(a), (b) or (c), F.A.C.;

(b) Have stated learning objectives;

(c) Be instructed by a person who meets at least one of the following criteria:

1. Holds a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the U.S. Department of Education or a substantially equivalent accrediting body of a foreign sovereign state, with a major in a subject directly related to the content of the program to be offered, or

2. Has graduated from a school of massage or an apprenticeship program which has a curriculum equivalent to requirements in this state and was approved by a state licensing authority, a nationally recognized massage therapy association, or a substantially equivalent accrediting body, or the Board, and has completed three years of professional experience in the practice of massage, and

a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or

c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject, or

3. Is licensed as a massage therapist in another state or foreign sovereign state having standards of education or apprenticeship training substantially similar to or more stringent than those required for licensure in Florida and has practiced massage therapy for a minimum of 10 years, and

a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or

c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject, or - 242

4. Has taught at a school of massage which has a curriculum equivalent to requirements in this state and was approved by a state licensing authority, a nationally recognized massage therapy association, or a substantially equivalent accrediting body, or the Board for a minimum of two years, and

a. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

b. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group or at a massage therapy school, or

c. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject.

(d) Provided, however, that approved courses in areas other than massage theory, history, and techniques may be instructed by a person who meets at least one of the following criteria:

1. Holds a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the U.S. Department of Education or a substantially equivalent accrediting body of a foreign sovereign state, with a major in a subject directly related to the content of the program to be offered, or

2. Has, within the last five years of practical experience, had a minimum of two years teaching experience in the subject matter to be offered, or

3. Has taught the same courses on this approved subject a minimum of 3 times in the past 2 years before a professional convention, professional group, or at a massage therapy school, or

4. Has completed specialized training in the subject matter and has a minimum of two years of practical experience in the subject.

(3) The Board retains the right and authority to audit and/or monitor programs given by any provider. The Board will ~~rescind provider status or~~ reject individual programs given by a provider if the provider has disseminated any false or misleading information in connection with the continuing education program, or if the program provider has failed to conform to and abide by the written agreement and rules of the Board.

(4) One hour of continuing education is defined as no less than 50 uninterrupted minutes of learning.

(5) Presenters/moderators/instructors of courses shall not receive credit for courses they present.

(6) A provider of Board approved programs ~~provider~~ must submit a completed application for supplemental courses, form # BMT6, to the Board office prior to offering such courses for credit. The submitted information must also identify any new continuing education instructor and show that such instructor meets the criteria set forth in this rule. Whenever an instructor and his/her course have obtained approval by the Board, the instructor may teach the course at any time, in whole or in part, so long as the materials being taught do not deviate from course materials originally approved, there is no change of instructor, and the documentation of attendance clearly indicates the original course approval number and the hours of credit given for this version of the course.

Therefore, the number of continuing education hours awarded for the course may be the original number of hours approved, or less.

An increase of the number of continuing education hours awarded will require submission of form # BMT6 for approval of a course.

(7) A provider of Board approved programs ~~provider~~ must revise and update all course materials that are affected by changes occurring during the biennial renewal period. The Board will rescind approval of any program ~~provider or course~~ that is found to be obsolete, erroneous, and/or outside the scope of practice, or if the Board determines the program provider has violated the Board's rules or Chapter 456 or 480, F.S. The revised course materials must be submitted with the biennial renewal form and renewal fee.

(8) Provider registration numbers must be renewed biennially on or before August 31 of the biennial renewal year. The provider must return the renewal form provided by the department together with a renewal fee of \$250. If the renewal form and renewal fee are not received by the department on or before August 31 of the biennial year, the provider must submit a new application for approval of any continuing education programs offered for license renewal or initial licensure requirements, and, if any programs are approved, receive a new provider registration number.

Specific Authority 456.013(8),(9), 456.025(7), 480.035(7), 480.0415 FS. Law Implemented 456.013(8),(9), 456.025(7), 480.0415 FS. History--New 4-21-86, Amended 9-14-87, 8-29-88, 2-8-89, 3-12-90, 1-3-91, Formerly 21L-28.010, Amended 9-30-93, 8-16-94, 6-12-95, 2-12-97, Formerly 61G11-28.010, Amended 2-18-98, 10-26-98, 9-20-99, 11-4-99, 11-21-02, 10-12-03,

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES:	RULE NOS.:
Application for Licensure Fee	64B10-11.001
Mandatory HIV/AIDS and Prevention of Medical Errors Education for Initial Licensure and Renewal Examination for Licensure Examination	64B10-11.0011 64B10-11.002 64B10-11.003
College Training in Health Administration Provisional License	64B10-11.007 64B10-11.011
Notification of Change of Address or Employing Facility	64B10-11.012
Temporary License	64B10-11.013

PURPOSE AND EFFECT: The Board proposes to review this rule chapter to determine whether any amendments are necessary or if any new rules should be promulgated.

SUBJECT AREA TO BE ADDRESSED: Licensure.

SPECIFIC AUTHORITY: 456.017, 456.033(7), 456.035, 468.1685(1),(5),(7),(8), 468.1695(1),(2), 468.1735 FS.

LAW IMPLEMENTED: 456.033(6), 456.035, 468.1685(2), 468.1695(1), 456.017, 456.017(2), 468.1735, 468.1705(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES:	RULE NOS.:
Collection and Payment of Fees	64B10-12.001
Application for Licensure	64B10-12.002
Payment for Duplicating Licenses, Certificates and Permits	64B10-12.0021
Renewal Fee	64B10-12.005
Examination Fee	64B10-12.006
Provisional License Application Fee	64B10-12.0071

Endorsement Fee	64B10-12.008
Initial Licensure Fee	64B10-12.009
Temporary License	64B10-12.011
Preceptor Certification and Recertification Fee	64B10-12.012
Unauthorized Practice Fee	64B10-12.015
Delinquency Fee	64B10-12.016
Continuing Education Provider Initial and Renewal Fee	64B10-12.017

PURPOSE AND EFFECT: The Board proposes to review this rule chapter to determine whether any amendments are necessary or if any new rules should be promulgated.

SUBJECT AREA TO BE ADDRESSED: Fee Schedule.

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(2),(5), 456.025(2),(7), 468.1735, 468.1705(1), 456.065, 456.036 FS.

LAW IMPLEMENTED: 468.1685(1),(5), 456.025(2),(3),(7), 468.1695(3), 468.1715, 468.1705(1),(4), 456.065, 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES:	RULE NOS.:
Inactive Status and Renewal of Inactive License	64B10-13.200
Reactivation of Inactive License	64B10-13.300

PURPOSE AND EFFECT: The Board proposes to review this rule chapter to determine whether any amendments are necessary or if any new rules should be promulgated.

SUBJECT AREA TO BE ADDRESSED: Inactive Status.

SPECIFIC AUTHORITY: 456.036, 468.1685(1), 468.1725, 468.1725(2) FS.

LAW IMPLEMENTED: 456.036, 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES:	RULE NOS.:
Minor Violations	64B10-14.005
Mediation	64B10-14.007

PURPOSE AND EFFECT: The Board proposes to review this rule chapter to determine whether any amendments are necessary or if any new rules should be promulgated.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Matters.

SPECIFIC AUTHORITY: 456.073(3), 468.1685(1) FS.

LAW IMPLEMENTED: 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES:	RULE NOS.:
Continuing Education for Licensure Renewal	64B10-15.001
Criteria for Approved Continuing Education	64B10-15.002
Approved Providers	64B10-15.0021
Initial Licensure Requirements	64B10-15.003

PURPOSE AND EFFECT: The Board proposes to review this rule chapter to determine whether any amendments are necessary or if any new rules should be promulgated.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.033, 468.1685, 468.1685(1), 468.1715, 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013, 456.013(6), 456.033, 468.1715, 468.1685(5), 468.1715(3), 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLES:	RULE NOS.:
General Information	64B10-16.001
Preceptor	64B10-16.002
Change of Status of Preceptor	64B10-16.0021
Facility at Which Training Takes Place	64B10-16.003
Domains of Practice, Objectives, Reports	64B10-16.005
Out-of-State Administrator-In-Training Programs	64B10-16.007

PURPOSE AND EFFECT: The Board proposes to review this rule chapter to determine whether any amendments are necessary or if any new rules should be promulgated.

SUBJECT AREA TO BE ADDRESSED: Administrator-In-Training Program.

SPECIFIC AUTHORITY: 468.1685(1), 468.1695(2),(3),(4) FS.

LAW IMPLEMENTED: 468.1695(2),(3),(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE:	RULE NO.:
On-Site-Control	64B10-17.001

PURPOSE AND EFFECT: To establish the expected level of control of the facility, and the number of facilities for which an Administrator can be employed.

SUBJECT AREA TO BE ADDRESSED: Facility Control.

SPECIFIC AUTHORITY: 468.1685(1), 468.1685(2), 468.1685(5) FS.

LAW IMPLEMENTED: 468.1685(2), 468.1685(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE:	RULE NO.:
Fees	64B32-4.001

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

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.025(1), 456.036(7),(8), 456.065, 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 456.025(1),(6), 456.036, 456.065, 468.364 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-4.001 Fees.

(1) No change.

(2) The reactivation fee for activating an inactive license certification or registration shall be \$50.

(3) The renewal fee for renewing the inactive status of a license certification or registration shall be \$50.

(4) through (7) No change.

Specific Authority 456.025(1), 456.036(7),(8), 456.065, 468.353(1), 468.364 FS. Law Implemented 456.025(1),(6), 456.036, 456.065, 468.364 FS. History—New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, 64B8-73.004, Amended 4-27-00, 8-13-02, _____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B32-5.001

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

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.001 Disciplinary Guidelines.

(1) The Board may impose disciplinary penalties upon a determination that an applicant or licensee certificate holder or registrant:

- (a) through (d) No change.
- (2) The range of disciplinary penalties which the Board may impose includes any and all set forth in Section 456.072, F.S.. In determining the appropriate disciplinary action to be imposed in each case, the Board shall take into consideration the following factors:
 - (a) through (b) No change.
 - (c) The number of previous disciplinary cases filed against the applicant or licensee certificate holder or registrant;
 - (d) The length of time the applicant or licensee certificate holder or registrant has practiced;
 - (e) through (f) No change.
 - (g) The effect of the penalty upon the applicant or licensee's certificate holder's or registrant's livelihood;
 - (h) through (i) No change.
 - (3) No change.

(a) Attempting to obtain a license ~~or certificate~~ by bribery, fraud or through an error of the Department or the Board. (468.365(1)(a), 456.072(1)(h), F.S.)

(b) through (cc) No change.

(4) through (6) No change.

Specific Authority 456.079, 468.365(4) FS. Law Implemented 456.072, 468.365 FS. History—New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended 5-5-02, 12-5-04, _____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLES: Continuing Education Requirement RULE NOS.: 64B32-6.001

Provider Approval and Renewal Procedures 64B32-6.005

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement; Provider Approval and Renewal Procedures.

SPECIFIC AUTHORITY: 456.013(8), 456.025(4), 468.361(2),(3) FS.

LAW IMPLEMENTED: 456.025(7), 468.361 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.001 Continuing Education Requirement.

(1) The Legislature and the Board have determined that competency in delivery of respiratory care services is enhanced by continuous updating of knowledge and skills. To this end, continuing education is required as a condition for renewal of licensure certification and registration of all respiratory care personnel without regard to the avenue taken to licensure.

(2) Each licensee licensed respiratory care therapist shall submit proof satisfactory to the Board of participation in appropriate continuing education. During each biennium, as established by the Department, each licensee must earn 24 contact hours of continuing education except as provided in Rule 64B32-6.001, Florida Administrative Code.

(3) Those persons initially licensed certified for licensure during the second year of a biennium who do not currently hold a respiratory care license are exempt from the continuing education requirements for their first renewal. Continuing education requirements must be met for each biennium thereafter.

(4) A ~~licensee licensed respiratory care therapist~~ who also holds current license in another health care profession may satisfy the continuing education requirement for a renewal of this license with hours counted toward renewal of another license as long as the hours meet all the requirements of this rule chapter.

Specific Authority 456.013(8), 468.361(2) FS. Law Implemented 468.361 FS. History—New 4-29-85, Formerly 21M-38.01, Amended 9-29-86, Formerly 21M-38.001, Amended 1-2-94, Formerly 61F6-38.001, Amended 11-1-94, Formerly 59R-75.001, Amended 6-9-99, Formerly 64B8-75.001, ~~Amended~~

64B32-6.005 Provider Approval and Renewal Procedures.

(1) through (8) No change.

(9) The provider seeking approval for home study courses also shall understand and agree:

(a) In addition to the credit exclusion for recertification, review, refresher or preparatory courses as provided in Rule ~~64B32-6.004~~ ~~64B8-75.004~~, Florida Administrative Code, a home study course submission shall not include reprints from textbooks.

(b) through (c) No change.

(10) No change.

Specific Authority 456.025(4), 468.361(3) FS. Law Implemented 456.025(7), 468.361(3) FS. History—New 4-24-96, Amended 5-7-97, Formerly 59R-75.0041, Amended 4-23-98, 6-9-99, Formerly 64B8-75.0041, Amended 7-4-02, 10-22-03, _____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Volunteer Health Care Provider Program	64F-11
RULE TITLES:	RULE NOS.:
Definitions	64F-11.001
Client Eligibility	64F-11.002
Patient Selection and Referral	64F-11.003
Volunteer Provider Eligibility	64F-11.004
Contract Requirements	64F-11.005
Covered Services	64F-11.006
Annual Report	64F-11.009

PURPOSE AND EFFECT: To comply with recent amendments to Section 766.1115, F.S., which authorizes health care providers to perform the patient eligibility and referral process for the Department.

SUBJECT AREA TO BE ADDRESSED: Client eligibility and referral process.

SPECIFIC AUTHORITY: 766.1115(10) FS.

LAW IMPLEMENTED: 766.1115 FS.

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

TIME AND DATE: 10:00 a.m., March 15, 2005

PLACE: Department of Health, Division of Health Access and Tobacco, 4025 Esplanade Way, Room 340, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mark Lundberg, Director, Volunteer Health Services Program, 4052 Bald Cypress Way, Bin #C23, Tallahassee, Florida 32399-1743, (850)245-4151, Fax (850)488-4944, e-mail: Mark_Lundberg2@doh.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-11.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

(1) "Adverse incident": as defined in subsection ~~395.0197(5)~~, F.S. or its successor statute ~~59A-10.002(4)~~, F.A.C.

~~(2) "Contract" means an agreement executed between a health care provider and a governmental contractor for the purpose of providing health care to individuals who qualify under the Volunteer Health Care Provider program.~~

~~(2)(3) "Corporate medical group" means a corporation for profit established under the provisions of Chapter 607, F.S., or a corporation not for profit established under the provisions of Chapter 617, F.S., for the purpose of providing health care as specified in paragraph (10) below.~~

~~(4) "Department" means the Department of Health.~~

~~(3)(5) "Emergency medical condition": as defined in Section 395.002(9), F.S., or its successor statute, 395.0142(2)(e).~~

~~(4)(6) "Family" means one or more persons living in one dwelling place who are related by blood, marriage, law, or conception. A pregnant woman and her unborn child or children are considered to be two or more family members. If the dwelling place includes more than one family or more than one unrelated individual, the poverty guidelines are applied separately to each family or unrelated individual and not to the dwelling place as a whole. A single adult, over 18, living with relatives is considered to be a separate family for income determination purposes. A ~~However,~~ a student, age 18-21, living at the dwelling place, shall be considered a family member if it is in the best interest of the family.~~

~~(5)(7) "Federal poverty level or poverty level" means the family poverty income levels published and updated annually by the federal Office of Management and Budget (OMB). For the purposes of this rule the poverty levels will be effective ~~April~~ July 1 of each year following publication in the Federal Register.~~

~~(8) “Governmental contractor or contractor” means the department, county health departments (CHD), a special taxing district with health care responsibilities, or a hospital owned and operated by the federal or state government, state agencies, and subdivisions as defined in Section 768.28(2), F.S.~~

~~(6)(9) “Gross family income” means the sum of income available to a family at the time of application. Gross family income shall be based on all income to be earned or received in the last four (4) weeks or anticipated to be earned or received in the current month. Income shall not include Supplemental Security Income (SSI), income from trusts fully funded by SSI payments, and Temporary Assistance to Needy Families (TANF). Aid to Families with Dependent Children (AFDC). Individuals receiving assistance payments under these programs are already eligible under the provisions of paragraph 64F 11.002(1)(a), F.A.C. Income shall include but not be limited to the following:~~

- ~~(a) Wages and salary.~~
- ~~(b) Child support.~~
- ~~(c) Alimony.~~
- ~~(d) Unemployment compensation.~~
- ~~(e) Worker’s compensation.~~
- ~~(f) Veteran’s pension.~~
- ~~(g) Social security.~~
- ~~(h) Pensions and annuities.~~
- ~~(i) Dividends and interest on savings, stocks, and bonds.~~
- ~~(j) Income from estates and trusts.~~
- ~~(k) Net rental income or royalties.~~
- ~~(l) Net income from self employment.~~
- ~~(m) Contributions.~~

~~(7) “Net family income” means gross family income minus the standard work related, child care, and child support deductions as used in determining Medicaid presumptive eligibility for pregnant women.~~

~~(8) “Verification” means to confirm the accuracy of information through sources other than the self declaratory statement of the individual originally supplying the information. Verification may be by telephone, in written form, or by face-to-face contact. Verification does not require written documentation to confirm an applicant’s statement. Examples of verification include:~~

- ~~(a) A statement from a state or federal agency which attests to the applicant’s financial status.~~
- ~~(b) A statement from the applicant’s or family member’s employer.~~
- ~~(c) Pay stubs for four consecutive weeks.~~
- ~~(d) A statement from a source providing unearned income to the applicant or family unit.~~

~~(9) “Self-declaration” means a statement of income, expenses, and family size made by the individual applying for the program. Self-declaration does not include any documentation other than the signature of the person making~~

the statement. The self-declaration statement shall include a signed acknowledgement that the statement is true at the time it is made and that the person making the statement understands that the contractor shall have the option of verifying the statement.

(10) “Health care provider or provider” includes means:

(a) A full-time student enrolled in an accredited program that prepares the student to be a health care provider licensed under Chapters 458, 459, 460, 461, 464, 466, or 467, F.S. The student must perform duties under the supervision and license of a health care provider who is contracted under the Volunteer Health Care Provider Program and is practicing in the student’s area of study. A birth center licensed under Chapter 383, F.S.

~~(b) An ambulatory surgical center licensed under Chapter 395, F.S.~~

~~(c) A hospital licensed under Chapter 395, F.S.~~

~~(d) A physician licensed, or physician assistant certified, under Chapter 458, F.S.~~

~~(e) An osteopathic physician licensed, or osteopathic physician assistant certified, under Chapter 459, F.S.~~

~~(f) A chiropractic physician licensed under Chapter 460, F.S.~~

~~(g) A podiatrist licensed under Chapter 461, F.S.~~

~~(h) A registered nurse, nurse midwife, licensed practical nurse, or advanced registered nurse practitioner licensed or registered under Chapter 464, F.S., or any facility that employs nurses licensed or registered under Chapter 464, F.S., to supply all or part of the care delivered under this section.~~

~~(i) A midwife licensed under Chapter 467, F.S.~~

~~(j) A health maintenance organization certified under Part I of Chapter 641, F.S.~~

~~(k) A full-time student enrolled in an accredited program that prepares the student to be a health care provider licensed under Chapters 458, 459, 460, 461, 464, or 467, F.S. The student must perform duties under the supervision and license of a health care provider who participates in the Voluntary Health Care Provider program and is practicing in the student’s area of study.~~

~~(l) A health care professional association and its employees or a corporate medical group and its employees.~~

~~(m) Any other medical facility the primary purpose of which is to deliver human medical diagnostic services or that delivers nonsurgical human medical treatment, and that includes an office maintained by a provider.~~

~~(n) Any nonprofit corporation qualified as exempt from federal income taxation under Section 501(c) of the Internal Revenue Code that delivers health care services provided by licensed professionals listed in this paragraph, any federally funded community health center, and any volunteer corporation or volunteer health care provider that delivers health care services.~~

(11) ~~“Health care professional association” means an organization as defined in Section 621.03, F.S., and includes the licensed health care providers specified in paragraph (10) above.~~

(12) ~~“Injury”: as defined in subsection 59A-10.002(5), F.A.C.~~

(13) ~~“Net family income” means gross family income minus the standard work related, alimony, child care, and child support deductions as used in determining Medicaid presumptive eligibility for pregnant women.~~

(14) ~~“Verification” means to confirm the accuracy of information through sources other than the self declaratory statement of the individual originally supplying the information. Verification may be by telephone, in written form, or by face to face contact. Verification does not require written documentation to confirm an applicant’s statement. Examples of verification include:~~

(a) ~~A statement from a state or federal agency which attests to the individual’s financial status.~~

(b) ~~A statement from the employer.~~

(c) ~~Pay stubs for four weeks if available.~~

(d) ~~A statement from a source providing unearned income to the applicant or family unit.~~

(11)(15) ~~“Volunteer corporation” means a not for profit corporation, consisting of its employees and volunteers, established under the provisions of Chapter 617, F.S., for the purpose of providing volunteer health care as specified in paragraph (10) above, under contract with a governmental contractor, and thereby qualifying its employees and volunteers for sovereign immunity pursuant to Section 766.1115, F.S.~~

(16) ~~“Volunteer provider or volunteer health care provider” means a health care provider under contract with a governmental contractor for the provision of health care services pursuant to Section 766.1115, F.S.~~

(17) ~~“Self declaration” means a statement of income, expenses, and family size made by the individual applying for the program. Self declaration does not include any documentation other than the signature of the person making the statement. The self declaration statement shall include a signed acknowledgement that the statement is true at the time it is made and that the person making the statement understands that the contractor shall have the option of verifying the statement.~~

Specific Authority 766.1115(10) FS. Law Implemented 766.1115 FS. History—New 1-20-93, Formerly 10D-122.002, Amended _____.

64F-11.002 Client Eligibility.

(1) The governmental contractor has the option to include one or more of the following eligibility groups:

(a) Individuals eligible for services under the Florida Medicaid when a provider is not available and who meet the program income eligibility requirements ~~Program~~.

(b) Individuals whose family income does not exceed 150 percent of the federal poverty level.

(c) Individuals who are clients of the department, and volunteer to participate in ~~the a program offered or approved by the department~~, and who meet the program income eligibility requirements guidelines of that program.

(2) In order to be eligible, an individual ~~individuals~~ shall not have medical or dental care coverage for health insurance ~~or shall not have health insurance that covers the illness, injury, or condition for which medical or dental health care is sought~~.

(3) The governmental contractor has the option to establish an eligibility limit at a level lower than 150 percent of the poverty level, but not lower than 100 percent of the poverty level.

(4) The governmental contractor is responsible for determining if applicants meet the eligibility criteria for participation in the Volunteer Voluntary Health Care Provider Program ~~program~~ and shall establish the written procedures necessary to determine eligibility.

(5) Applicants shall furnish to the governmental contractor information regarding the gross family income for the family unit, ~~work related expenses, child care expenses, and child support payments~~. The applicant’s self declaration of income and expenses is acceptable for eligibility determination, but the governmental contractor may verify income and expenses. ~~Verification of income and expenses shall be required only if the self declaration does not reasonably represent income and expenses and shall be requested for the four week period prior to the date of application. Additional verification for the preceding 12 month period may be requested if the income for the four week period is not representative of the family income and the additional information is in the best interest of the applicant.~~

(6) The governmental contractor shall use net family income to determine eligibility.

Specific Authority 766.1115(10) FS. Law Implemented 766.1115 FS. History—New 1-20-93, Formerly 10D-122.003, Amended _____.

64F-11.003 Patient Selection and Referral.

(1) The governmental contractor is responsible for determining an applicant’s eligibility and referral selection and initial referral of individuals to contracted health care providers ~~receive health care services~~ under this chapter.

(2) The volunteer provider shall accept all individual referrals up to the numerical limit, if any, that is specified in the contract.

(3) The governmental contractor shall not refer an applicant individual to a health care volunteer provider until ~~after~~ the governmental contractor determines the individual to be eligible.

(4) The governmental contractor may convey to any provider the responsibility for determining eligibility and the referral of clients for the department. The provider may

~~perform the eligibility and referral process in accordance with a contract with the governmental contractor. Once a governmental contractor refers an individual and the provider treats the individual, sovereign immunity granted under this chapter shall not be removed even if the individual who received treatment may later be found to be ineligible.~~

~~(5) If an emergency medical condition exists, a volunteer provider may accept for treatment, prior to receiving a referral from the governmental contractor, an individual previously determined eligible for the program. In this event, the volunteer provider must notify the governmental contractor of the need for a referral for an individual in the program within 48 hours after treatment commenced or within 48 hours after the patient has the mental capability to consent to treatment, whichever occurs later.~~

Specific Authority 766.1115(10) FS. Law Implemented 766.1115 FS. History—New 1-20-93, Formerly 10D-122.004, Amended _____.

64F-11.004 Volunteer Provider Eligibility.

~~(1) The governmental contractor has sole responsibility to determine the type of services that are needed in a service area and to recruit volunteer providers that can meet those needs. The governmental contractor shall consider in that determination the following:~~

- ~~(a) The population that the contractor serves.~~
- ~~(b) The benefit of that service to the population being served.~~
- ~~(c) The current availability of the service to the population being served.~~
- ~~(d) The expected improvement in access to care that would result from contracting with the volunteer provider.~~

~~(2) The governmental contractor may contract with one or more volunteer providers in a given specialty or type of service but does not have to contract with each volunteer provider that may volunteer to provide care.~~

~~(1)(3) In order to participate in this program, a health care provider shall comply with the following:~~

- ~~(a) Have a current valid Florida health professional license or authorization to practice under Florida Statutes or Florida Administrative Code.~~
- ~~(b) Sign a contract with the governmental contractor.~~
- ~~(c) Not be under obligations, investigation, probation, or restrictions with the suspension by Department of Health, Professional Regulation or sanctioned by Health Care Financing Administration for Medicaid or Medicare violations. If obligations are assigned after the provider has participated in the program, then the governmental contractor will determine contract status of the provider.~~
- ~~(d) Submit to a credential verification process to determine acceptability of participation.~~

~~(e) Participate in a the governmental contractor’s quality assurance program as delineated by the governmental contractor in a manner commensurate with the level of participation in the Voluntary Health Care Provider program.~~

~~(2)(4) The health care provider shall not subcontract for the provision of services under this chapter.~~

Specific Authority 766.1115(10) FS. Law Implemented 766.1115 FS. History—New 1-20-93, Formerly 10D-122.005, Amended _____.

64F-11.005 Contract Requirements.

~~(1) The contract shall allow the health care provider to deliver health care services as an agent of the governmental contractor to individuals determined eligible in accordance with Rule 64F-11.002, F.A.C. The contract must be for volunteer, uncompensated services.~~

~~(2) The governmental contractor shall use the model contracts, DOH Form 1029 and 1031, developed by the department specifically for this program. Provisions of the model contract shall include the requirements specified in Section 766.1115(4), F.S.~~

Specific Authority 766.1115(10) FS. Law Implemented 766.1115 FS. History—New 1-20-93, Formerly 10D-122.006, Amended _____.

64F-11.006 Covered Services.

~~(1) The governmental contractor shall specify the services that will be available under the local Voluntary Health Care Provider program and what limitations and restrictions, if any, may apply.~~

~~(1)(2) Experimental procedures and clinically unproven procedures are not covered under this program. The governmental contractor shall determine whether or not a procedure is covered. For the department, the State Health Officer shall make that determination.~~

~~(2)(3) The governmental contractor reserves the right to approve through written protocols all referrals for specialty care and hospitalization, except emergency care as specified in Rule 64F-11.007, F.A.C.~~

Specific Authority 766.1115(10) FS. Law Implemented 766.1115 FS. History—New 1-20-93, Formerly 10D-122.007, Amended _____.

64F-11.009 Annual Report.

~~(1) Each governmental contractor, by August 31 30 of each year, shall submit to the Director of the Volunteer Health Services Program State Health Office information required to prepare the annual report to the Legislature as specified in Section 766.1115(8), F.S.~~

~~(2) The report period shall be July 1 to June 30.~~

~~(3) The governmental contractor shall include in the report participating clinics and organizations, a list of the types of services that are needed for the service area, a list of available referral services the number of providers, and the number of patient encounters, and the value of services and donations rendered individuals served.~~

Specific Authority 766.1115(10) FS. Law Implemented 766.1115 FS. History--New 1-20-93, Formerly 10D-122.012, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLE: Sarasota County Boating Restricted Areas
 RULE NO.: 68D-24.005

PURPOSE AND EFFECT: The purpose of this amendment is to protect vessel traffic safety. The effect of this rule will be to reduce vessel speed over portions of the Gulf Intracoastal Waterway by extending two existing boating restricted areas at Hatchett Creek and the Venice Marine Center and by creating two new boating restricted areas at the Siesta Key and Manasota Beach Bridges. As justification for amendment, Sarasota County cites vessel traffic congestion, public boat ramps, and fueling facilities. The local office of the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement has concurred with this action. This action is being coordinated with Sarasota County, United States Army Corps of Engineers, and the United States Coast Guard.

SUBJECT AREA TO BE ADDRESSED: The regulation of vessel traffic within and adjacent to the Florida Intracoastal in Sarasota County.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

TIME AND DATE: 2:00 p.m. – 5:00 p.m., March 23, 2005

PLACE: Selby Public Library, 1331 1st Street, Sarasota, Florida (For directions or information, please contact: (941)861-1100)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Captain Alan S. Richard, Assistant General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.005 Sarasota County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic in and adjacent to the Intracoastal Waterway within Sarasota County, Florida, the following Boating Restricted Areas are established:

(a) Idle Speed No Wake Zones – 1 through 3. No change.

4. Hatchett Creek – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a drawn perpendicular to the centerline of the Intracoastal Waterway 2,000 feet northwest of the U.S. Highway 41 (Business) Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 700 ~~400~~ feet southeast of said bridge, as depicted drawing D.

5. Venice Marine Center – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 400 feet north of the centerline of the Venice Marine Center boat basin channel to a line drawn perpendicular to the centerline of the Intracoastal Waterway 650 ~~350~~ feet south of centerline of said channel, as depicted in drawing E.

6. No change.

7. Siesta Key Bridge – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet north of the centerline of the Siesta Key Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet south of the centerline of the Siesta Key Bridge, as depicted in Drawing G.

8. Manasota Beach Bridge – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet north of the centerline of the Manasota Beach Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet south of the centerline of the Manasota Beach Bridge, as depicted in Drawing H.

(b) No change.

(2) The boating restricted areas are depicted in the following drawings:

Drawings A, B, C, and F – No change.

Revised drawing D and E, and new drawings G, and H are not available the time of publication.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New 8-30-83, Formerly 16N-24.05, Amended 12-21-92, Formerly 16N-24.005, 62N-24.005, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLE: Pinellas County Boating Restricted Areas
 RULE NO.: 68D-24.010

PURPOSE AND EFFECT: The purpose of this amendment is to protect vessel traffic safety. The effect of this rule will be to reduce vessel speed over a portion of the Gulf Intracoastal Waterway extending 2,300 feet southeast of the existing restricted area. As justification for amendment, Pinellas County cites vessel traffic congestion, public boat ramps, and a marina that provides fuel. The local office of the Florida Fish and Wildlife Conservation Commission's Division of Law Enforcement has concurred with this action. This action is being coordinated with Pinellas County, United States Army Corps of Engineers, and the United States Coast Guard.

SUBJECT AREA TO BE ADDRESSED: The regulation of vessel traffic within and adjacent to the Florida Intracoastal in Pinellas County.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

TIME AND DATE: 6:30 p.m. – 8:30 p.m., March 22, 2005

PLACE: Clearwater Community Sailing Center, 1001 Gulf Boulevard, Clearwater, Florida (If you need directions or additional information, please call (727)517-7776

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Captain Alan S. Richard, Assistant General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.010 Pinellas County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway in Pinellas County, Florida, the following boating restricted areas are established:

(a)1. through 2. No change.

3. Tom Stuart (Welch) Causeway – All waters lying north of the southern boundary of the right-of-way of the Florida Intracoastal Waterway between a line drawn perpendicular to the center line of the waterway 1,000 feet northwest of the Tom Stuart (Welch) Causeway at Madeira Beach and a line drawn perpendicular to the center line of the waterway ~~1,600~~ 3,900 feet southeast of said bridge, including the waters adjacent to the Florida Intracoastal Waterway from the waterway north and east to the mean high water mark, as depicted in drawing C.

4. through 8. No change.

(b) No change.

(2) No change

(3) The boating restricted areas are depicted in the following drawings:

Drawings A, B, and D through H – No change.

Revised drawing C is not available at this time.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 9-18-88, Amended 12-7-89, Formerly 16N-24.010, Amended 10-1-96, Formerly 62N-24.010, Amended 10-2-00, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

RULE TITLE:

RULE NO.:

Okeechobee Waterway Boating Restricted Areas 68D-24.011

PURPOSE AND EFFECT: The purpose of this amendment is to protect vessel traffic safety. The effect of this rule will be to reduce vessel speed over portions of the Okeechobee Waterway at Moore Haven and at the state road 29 Bridge. Rulemaking was prompted by a regional field report and by discussions with the Glades County Sheriff’s Office, the Hendry County Sheriff’s Office, and personnel from the

Commission’s regional office in West Palm Beach. This action is being coordinated with Glades and Hendry Counties, The City of Moore Haven, the United States Army Corps of Engineers, and the United States Coast Guard.

SUBJECT AREA TO BE ADDRESSED: The regulation of vessel traffic within the Okeechobee Waterway portion of the Florida Intracoastal Waterway in Glades and Hendry Counties.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

TIME AND DATE: 6:00 p.m. – 8:30 p.m., March 24, 2005

PLACE: Moore Haven City Hall (facility is located on River), 299 Riverside Drive, Moore Haven, Florida (For directions or other information, please call (863)946-0711)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Captain Alan S. Richard, Assistant General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.011 Okeechobee Waterway Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on the Okeechobee Waterway, the following Boating Restricted Areas are established:

(a)1. through 6. No change.

7. Old Moore Haven Canal, Okeechobee Rim Canal, Moore Haven Lock Structure and City of Moore Haven Public Docks along the Caloosahatchee River – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in the Okeechobee Rim Canal, from 1,800 feet northwest of the centerline of the Moore Haven Lock Gates canal (26° 50’ 45.2” N/81° 45’ 24.2”W), to 500’ feet southeast of the centerline of the Alvin Ward boat ramp (26° 50’ 21.8”N/81° 04’ 46.9”W), including the area shoreline to shoreline 500 feet north into the Old Moore Haven Canal (26° 50’ 40.9”N/81° 05’ 14.4”W), and including the Moore Haven Locks canal and an area of the Caloosahatchee River shoreline to shoreline to a line parallel to and 1450 feet southwest of the centerline of the US 27 Bridge (26° 49’ 48.3N/81°05’30.2”W) north from the lock gates 1,000 feet in and adjacent to the Okeechobee Waterway to 500 feet southwest of the lock gates, as depicted in drawing G.

8. State Road 29 Bridge and Barron Park – An Idle Speed No Wake boating restricted area, shoreline to shoreline, from a line 950 east of and parallel to the centerline of the State Road 29 bridge to a line 2,293 feet west of and parallel to the centerline of the State Road 29 Bridge, as it crosses the Caloosahatchee River, as depicted in drawing H.

(b) Martin County, Palm Beach County, the City of Clewiston (in coordination and cooperation with the South Florida Water Management District), ~~and~~ Glades County, and Hendry County are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, or portions thereof, located within the respective counties. These local governmental entities may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas are depicted in ~~on~~ the following drawings:

Drawings A through F – No change.

Revised drawings G and H are not available at this time.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 1-5-88, Formerly 16N-24.011, Amended 1-8-96, Formerly 62N-24.011, Amended 10-2-00, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers’ Compensation

RULE TITLE: Procedures for Imputing Payroll and Penalty Calculations

RULE NO.:

69L-6.028

PURPOSE AND EFFECT: The purpose and effect of the rule is to establish the procedure for imputing the weekly payroll for each employee, corporate officer, sole proprietor, or partner when the employer has failed to provide business records sufficient to enable the department to determine the employer’s payroll for the period requested for purposes of calculating the penalty to be assessed against the employer due to the employer’s failure to secure the payment of compensation, and to calculate the penalty to be assessed against an employer for periods of non-compliance prior to October 1, 2003, when the employer has failed to provide business records sufficient to enable the department to determine the employer’s payroll for that time period.

SUBJECT AREA TO BE ADDRESSED: Calculation of employer penalties where the employer has failed to provide business records sufficient to enable the department to determine payroll for the period requested.

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(5) (2002), 440.107(7)(e) FS.

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

TIME AND DATE: 9:30 a.m., March 15, 2005

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Acting Bureau Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.028 Procedures for Imputing Payroll and Penalty Calculations.

(1) In the event an employer fails to provide business records sufficient for the department to determine the employer’s payroll for the period requested for the calculation of the penalty pursuant to Section 440.107(7)(e), Florida Statutes, the department shall impute payroll at any time after the expiration of fifteen business days after receipt by the employer of a written request to produce such business records.

(2) When an employer fails to provide business records sufficient to enable the department to determine the employer’s payroll for the period requested for purposes of calculating the penalty provided for in Section 440.107(7)(d), Florida Statutes, the imputed weekly payroll for each employee, corporate officer, sole proprietor or partner for the portion of the period of the employer’s non-compliance occurring on or after October 1, 2003 shall be calculated as follows:

(a) For employees other than corporate officers, for each employee identified by the department as an employee of such employer at any time during the period of the employer’s non-compliance, the imputed weekly payroll for each week of the employer’s non-compliance for each such employee shall be the statewide average weekly wage as defined in Section 440.12(2), Florida Statutes, that is in effect at the time the stop work order was issued to the employer, multiplied by 1.5. Employees include sole proprietors and partners in a partnership.

(b) If the employer is a corporation, for each corporate officer of such employer identified as such on the records of the Division of Corporations at the time of issuance of the stop-work order, the imputed weekly payroll for each week of the employer’s non-compliance for each such corporate officer shall be the statewide average weekly wage as defined in Section 440.12(2), Florida Statutes, that is in effect at the time the stop work order was issued to the employer, multiplied by 1.5.

(c) If a portion of the period of non-compliance includes a partial week of non-compliance, the imputed weekly payroll for such partial week of non-compliance shall be prorated from the imputed weekly payroll for a full week.

(3) If subsequent to imputation of weekly payroll pursuant to subsection (2) herein, but before the expiration of forty-five calendar days from the receipt by the employer of written request to produce business records, the employer provides business records sufficient for the department to determine the employer's payroll for the period requested for the calculation of the penalty pursuant to Section 440.107(7)(e), Florida Statutes, the department shall recalculate the employer's penalty to reflect the payroll information provided in such business records.

(4) Where periods of the employer's non-compliance occurred prior to October 1, 2003, and the employer fails to provide business records sufficient to enable the department to determine the employer's payroll for periods of non-compliance prior to October 1, 2003, for purposes of calculating the penalty to be assessed against the employer for periods of non-compliance prior to October 1, 2003, the department shall assess against the employer a penalty of \$100 per day for each and every calendar day in the period of non-compliance occurring prior to October 1, 2003 the employer was not in compliance, pursuant to Section 440.107(5), Florida Statutes (2002).

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(5) (2002), 440.107(7)(e) FS. History--New _____.

DEPARTMENT OF FINANCIAL SERVICES

OIR Insurance Regulation

RULE TITLE: Annual and Quarterly Reporting Requirements
RULE NO.: 690-137.001
PURPOSE AND EFFECT: To adopt the 2005 NAIC Quarterly and Annual Statement Instructions and NAIC's Accounting Practices and Procedures Manual, as required by Section 624.424, Florida Statutes.
SUBJECT AREA TO BE ADDRESSED: Update NAIC Manuals.
SPECIFIC AUTHORITY: 624.307, 624.308(1) FS.
LAW IMPLEMENTED: 624.307(1), 624.424(1) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:30 a.m.; March 18, 2005
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: kerry.krantz@fldfs.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

OIR Insurance Regulation

RULE TITLE: NAIC Financial Examiners Handbook Adopted
RULE NO.: 690-138.001
PURPOSE AND EFFECT: To adopt the 2005 NAIC Financial Condition Examiners Handbook Adopted, as required by Section 624.424, Florida Statutes.
SUBJECT AREA TO BE ADDRESSED: Update NAIC Manuals.
SPECIFIC AUTHORITY: 624.308(1) FS.
LAW IMPLEMENTED: 624.307(1), 624.316(1)(c) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
TIME AND DATE: 9:30 a.m., March 18, 2005
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: kerry.krantz@fldfs.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Reporting Requirements for Campaign
Treasurer's Reports

RULE NO.: 1S-2.017

PURPOSE AND EFFECT: The purpose of this rule is to amend procedures for the electronic filing of campaign treasurer's reports for all persons and political parties who file with the Division of Elections. The Florida Legislature in its regular 2004 session passed Chapter Law 2004-252, Laws of Florida, which mandated the electronic filing of campaign treasurer's reports, effective January 1, 2005.

SUMMARY: This rule implements Sections 106.0705 and 106.0706, Florida Statutes, and makes minor changes to the rule regarding the electronic filing of campaign treasurer's reports which was effective January 1, 2005.

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: 106.0705, 106.35(1),(5) FS.

LAW IMPLEMENTED: 106.04, 106.07, 106.29, 106.30-.36, 106.0705, 106.0706 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: 9:00 a.m., Monday, March 21, 2005

PLACE: R. A. Gray Building Auditorium, 500 S. Bronough Street, Tallahassee, FL 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Brenda Milton, (850)245-6240, at least three days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kristi Reid Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, Room 316, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250, (850)245-6240

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.017 Reporting Requirements for Campaign Treasurer's Reports.

(1) General Reporting Requirements.

(a) All persons and political parties who file campaign treasurer's reports with the Division of Elections (Division) must file reports of contributions and expenditures as set forth in this rule.

(b) All campaign treasurer's reports filed with the Division of Elections shall be filed in electronic format by means of the internet by either keying in the detail data via the web pages or uploading an electronic file that meets the Division of Election's file specifications. All data submitted must comply with the instructions on Forms DS-DE 13A, Campaign Treasurer's Report Itemized Contributions and Fund Transfers (Eff. 01/05) and Form DS-DE 14B, Campaign Treasurer's Report Itemized Expenditures and Distributions (Eff. 01/05). Any amendment to a campaign treasurer's report that covered a reporting period ~~was filed~~ prior to January 1, 2005 and that was not filed electronically, may be submitted in paper form ~~on. Any amendment to a campaign treasurer's report that was filed prior to January 1, 2005 and that was filed by magnetic diskette, may be submitted on magnetic diskette. Amendments filed in paper or on magnetic diskette shall be filed using~~ Forms DS-DE 12, Campaign Treasurer's Report Summary (Eff. 08/04); ~~Form DS-DE 13, Campaign Treasurer's Report Itemized Contributions (Eff. 08/03); and Form DS-DE 14, Campaign Treasurer's Report Itemized Expenditures (Eff. 08/03); Form DS-DE 14A, Campaign Treasurer's Report Itemized Distributions (Eff. 08/03); and Form DS-DE 94, Campaign Treasurer's Report Itemized Fund Transfers (Eff. 08/03).~~ Any amendment to a campaign treasurer's report that covered a reporting period filed prior to January 1, 2005 and that was filed by magnetic diskette, may be submitted on magnetic diskette and shall conform to Division specifications. Forms DS-DE 12, 13 and 14 are incorporated by reference. Copies of these forms may be obtained from the Division's website at <http://election.dos.state.fl.us/index.htm> or by contacting the Bureau of Election Records, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, telephone number (850)245-6240.

(c) Prior to filing the first campaign treasurer's report in electronic format, each person or political party must obtain credentials for a secure sign-in to the Division's electronic filing system. Each person or political party is responsible for protecting the credentials from disclosure and is responsible for all filings using these credentials unless the person has notified the Division that his or her credentials have been compromised.

(d) The Division shall issue credentials for a secure sign-in when a person or political party files a completed Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates (Eff. 08/03); or a completed Form DS-DE 5, Statement of Organization of Political Committee (Eff. 08/03); or a completed Form DS-DE 103, Electioneering Communication Statement of Organization (Eff. 08/04). The Division shall issue credentials for a secure sign-in upon request to candidates and their treasurers or deputy treasurers and to chairpersons, treasurers, and deputy treasurers of committees, organizations, and political parties.

(e) Each individual who receives secure sign-in credentials will also furnish the Division with confidential personal information, which involves supplying the answer to a personal question relating to the particular individual, that shall ~~may~~ be used by the Division to allow access by the individual in the event that credentials are forgotten or lost. Examples of confidential personal information shall include mother's maiden name, date of birth, child's name, pet's name, etc.

(f) Electronic reports are considered to be filed under oath by the person or political party filing the report and are subject to the fines and penalties in Sections 106.04(4)(d) and (8), 106.07(5) and (8), 106.0705, and 106.29(2) and (3), F.S., as applicable.

(g) Electronic reports must be completed and filed through the Division's electronic filing system no later than 12:00 p.m., Eastern Standard Time, of the due date. In the event that the electronic filing system is inoperable on the date a report is due, the report will be accepted as timely filed if filed no later than 12:00 p.m., Eastern Standard Time, of the first business day the electronic filing system becomes operable again. No fine will be levied during the period the electronic filing system was inoperable.

(h) A report shall be deemed ~~completed and~~ filed through the electronic filing system upon the issuance of an electronic receipt indicating and verifying that the report was filed.

(2) State Matching Funds Program.

(a) Pursuant to Section 106.33, F.S., a candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall, upon qualifying for office, file a request for such contributions with the Division on Form DS-DE 98 (~~Eff. 1/02~~), "Candidate for Governor or Cabinet Officer Request for Contributions (Eff. 1/02)."²

(b) To be eligible to receive state matching funds, a candidate for Governor or member of the Cabinet must not be an unopposed candidate as defined in Section 106.011(15), F.S., and shall:

1. Agree to abide by the expenditure limits provided in Section 106.34, F.S.

2. Raise qualifying matching contributions as provided in Sections 106.33 and 106.35, F.S.

3. Retain copies of all checks received, in-kind documentation, credit or debit card receipts, if applicable, and, in the case of cash copies of the accompanying deposit slips, and copies of cashiers checks. Each campaign treasurer shall submit copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashiers checks to the Division at each applicable reporting period; and

4. Submit to a post-election audit of the campaign account and financial records by the Division. Surplus matching funds must be returned before the post-election audit is conducted.

(c) State matching funds shall be distributed within 7 days after the close of qualifying and every 7 days thereafter, to eligible candidates. The first distribution shall be based on verified matching contributions as shown on quarterly reports, filed after September 1 of the calendar year prior to the election, through June 30 of the election year. Thereafter, distribution of funds will be based on weekly reports as provided by Section 106.07(1)(b), F.S. Each weekly distribution of funds will be based on the prior week's report as verified by the Division, if timely received; otherwise, the distribution will be made in the next applicable weekly cycle. The Division shall verify matching contributions contained in the reports with copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashier's checks which have been submitted by the candidates.

(d) For candidates who are eligible to receive state matching funds, a report is timely if it is received in the Division by 12:00 noon, Eastern Standard Time, on the date it is due. If a report is received after 12:00 noon, Eastern Standard Time, on the due date, such report will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle. If any fines are due for late filing they will be assessed pursuant to Section 106.07, F.S. For all other candidates, filing deadlines shall be as provided in Section 106.07, F.S.

(e) Reports filed by candidates requesting matching funds must include all information required by this rule and Sections 106.07 and 106.30-.36, F.S. If information related to a matchable contribution is missing, incomplete or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division. However, upon supplying such missing or incomplete information and upon verification by the Division, matching funds will be provided on the next applicable cycle.

(f) If a candidate requesting matching funds submits a report and subsequently amends such report, any adjustment, up or down, to the candidate's distribution of funds will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically to the Division.

(g) The Division shall record the time that reports are received from candidates requesting matching contributions and distribute funds on a first-in, first-out basis.

(h) An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

(3) Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90 (~~Eff. 12/93~~), "Irrevocable

Statement To Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds (Eff. 12/93),²² upon qualifying for office.

~~(4) Filing on Magnetic Diskettes. Amendments to electronic reports which were filed with the Division of Elections prior to January 1, 2005 and which were filed on magnetic diskette shall conform to Division specifications.~~

~~(4)(5)~~ All forms and filing specifications contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250, from the Division's website at <http://election.dos.state.fl.us>, or by calling (850) 245-6240.

Specific Authority 106.35(1),(5), 106.0706 FS. Law Implemented 106.04, 106.07, 106.29, 106.30-.36 FS. History--New 11-13-88, Formerly 1C-7.017, Amended 2-28-90, 9-5-93, 1-1-96, 3-5-96, 7-20-98, 7-31-02, 1-1-05,

NAME OF PERSON ORIGINATING PROPOSED RULE: Kristi Reid Bronson, Chief, Bureau of Election Records, Division of Elections

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dawn Roberts, Director, Division of Elections, Department of State

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2004

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: RULE NO.:

Division of Cultural Affairs IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment is to establish in rule the most recent eligibility and matching funds criteria.

SUMMARY: The proposed rule details the eligibility and matching funds criteria for the Division's Cultural Facilities Program and incorporates by reference the most recent application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs associated with the proposed rule.

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

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-.603, 265.605-.606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

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

TIME AND DATE: 9:30 a.m., March 14, 2005

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Should any person wish to appeal any decision made with respect to any matter considered at the above-required meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Dana DeMartino, ADA Coordinator for the Division of Cultural Affairs, (850)245-6477, Fax (850)245-6497, e-mail: ddmartino@dos.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Director, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

IT-1.001 Division of Cultural Affairs.

(1) through (16) No change.

(17) Cultural Facilities Program. The purpose of this program is to coordinate and guide the State of Florida's support and funding of renovation, construction, or acquisition of cultural facilities. It is not intended to fund project planning, such as feasibility studies and architectural drawings, or operational support.

(a) Administrative and Legal Eligibility. The applicant for a cultural facilities grant must:

1. Be a public entity governed by either a municipality, county, or qualified corporation as defined in Section 265.701(2), Florida Statutes.

2. Have ownership or undisturbed use of the land and building. In the cases where either the land or building is leased and not owned, fee simple, by the applicant, all underlying owners must also meet the above criteria (~~exception: land or building owned by the State of Florida and leased to an eligible applicant~~). For the purposes of this program, the applicant must be autonomous and independent of the property owner.

3. Retain ownership of all improvements made under the grant (~~exception: land or building owned by the State of Florida and leased to an eligible applicant~~).

4. Have satisfied the administrative requirements of previous grants received from the Division.

(b) Program Eligibility. All eligible applications shall consist of the following documents and information:

1. A completed and signed Cultural Facilities Program Application Form (#CA2EO20, eff. _____ ~~10/03~~), incorporated by reference and available from the Division, including the number of required application copies, submitted to the Division on or before the announced postmark deadline.

2. No change.

3. Project Budgets including a summary and detail, a matching funds statement, ~~and~~ match summary chart, and donor profile. The donor profile shall include the number of donors and range of contributed amounts; the population size of the community; percentage of community support, such as from individuals, corporations, or government; and description of the donors such as individual or corporate entity.

4. through 6. No change.

7. An independent certified audit or review of the applicant's financial records according to the following provisions:

a. Not-for-Profit, tax-exempt Florida corporations with net unrestricted operating revenue of less than \$500,000 must submit copies of the applicant organization's independent, certified audit or review for the last completed fiscal year. The publication date of the audit or review shall not be later than the date of the application deadline for which the audit or review is submitted.

b. Not-for-Profit, tax-exempt Florida corporations with net unrestricted operating revenue of \$500,000 or more must submit copies of the applicant organization's independent, certified audit for the last completed fiscal year. The publication date of the audit shall not be later than the date of the application deadline for which the audit is submitted.

~~c.~~ Municipal or county governments shall submit either the audit for the last completed fiscal year, or an internally prepared financial statement of revenue and expenses.

8. through 9. No change.

(c) through 3. No change.

(d) Time Limits and Funding Cap. No change.

(e) Matching Funds.

1. For eligible organizations with net unrestricted operating revenue of less than \$500,000, eligible matching funds provided by the applicant organization or by a third party shall be on at least a one-to-one match of the amount requested.

2. For eligible organizations with net unrestricted operating revenue of \$500,000 or more, eligible ~~Eligible~~ matching funds provided by the applicant organization ~~grantee~~ or by a third party ~~ies~~ shall be on at least a two-to-one match of the amount requested, except for eligible Rural Economic Development Initiative (REDI) applicants. REDI qualified means those counties or communities designated pursuant to Sections 288.0656 and 288.06561, Florida Statutes.

3. Eligible matching funds provided by eligible REDI applicants shall be at least a one-to-one match of the amount requested.

~~4.~~ At least 50% of the required match must be in cash. For the purposes of this program, cash shall include cash-on-hand, and cash expenditures made on the project within the five-year period prior to the application deadline.

5. At least 50% of the cash match must be cash-on-hand and dedicated to the project.

~~6.~~ No more than 50% of the match may be irrevocable pledges or in-kind contributions. Irrevocable pledges and in-kind contributions must be documented in the application.

~~7.~~ Municipalities and counties must submit a copy of the approved resolution or minutes from the commission meeting, with the original application, which includes the dollar amount dedicated and available to the project if the grant is awarded and the date the funds will be available. Resolutions that have not been approved by the application deadline can not be used as match documentation. Local funding, as indicated by the resolution, must be made available within 90 days of state award notification.

(f) through (j) No change.

(k) Grant Award Agreement. The Grant Award Agreement (#CA2EO38, eff. _____ ~~10/03~~) incorporated by reference and available from the Division, is the document by which the organization enters into a contract with the State of Florida for the management of grant funds which shall include:

1. through 3. No change.

(l) through (m) No change.

(18) through (19) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-.56, 265.601-265.603, 265.605-265.606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History--New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donald R. Blancett, Division of Cultural Affairs, Department of State

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Downey, Director, Division of Cultural Affairs, Department of State

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

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management
RULE CHAPTER NO.: 14-40
RULE TITLES: Highway Landscape Projects
RULE NO.: 14-40.003

PURPOSE AND EFFECT: This amendment corrects an error (“payment” to “pavement”) in subparagraph 14-40.003(3)(e) and adds new subparagraphs (f) and (g).

SUMMARY: Subparagraph 14-40.003(3)(e), F.A.C., is amended to make an editorial correction and new subparagraphs (f) and (g) are added. Subparagraph 14-40.003(3)(g), F.A.C., consists of the last two sentences of subparagraph (e), which are deleted in (e) and added in the new (g).

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 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 RULE IS:

PART I GENERAL PROVISIONS

14-40.003 Highway Landscape Projects.

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

(3) Approval Criteria.

(a) through (d) No change.

(e) An abutting private property owner is not required to comply with subsection (3)(d) of this Rule and may apply for a permit to alter or install landscape materials on the Department’s non limited access right of way directly abutting the owner’s property between the right of way line and the nearest edge of ~~pavement payment~~ through submission of a Permit for Landscaping on State Road Right of Way, Form 650-060-03, Rev. 02/02, which is incorporated herein by reference and is available at any Department District Maintenance Office. Abutting private property owners must submit for approval a landscape plan, maintenance plan, and work zone traffic control plan. ~~Approval will only be granted when it is determined that all plans meet the requirements of this Rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.~~

(f) Non-governmental entities or abutting private property owners seeking approval to install landscaping on the Turnpike right of way shall submit a completed Form 650-060-03 to the District Landscape Manager, Florida’s Turnpike Operations Center, P. O. Box 9828, Fort Lauderdale, Florida 33310, telephone (954)975-4855. The application must be accompanied by a landscape plan, maintenance plan, and work zone traffic control plan.

(g) Approval will only be granted when it is determined that all plans meet the requirements of this Rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.

(4) through (6)(b) No change.

Specific Authority 334.044(2), 337.2505 FS. Law Implemented 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS. History–New 9-22-92, Amended 1-19-99, 4-2-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Caster, State Transportation Landscape Architect, Environmental Management Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 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.”

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLES: Payment and Minimum Contributions

RULE NO.: 19B-16.004

PURPOSE AND EFFECT: To revise the financial requirements for the establishment of an account in the Florida College Investment Plan.

SUMMARY: This rule change is being made to revise the financial requirements for establishing an account in the Florida College Investment Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.
LAW IMPLEMENTED: 1009.981 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: 2:00 p.m., March 21, 2005
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.004 Payment and Minimum Contributions.

(1) through (3) No change.

(4) To establish an account, a benefactor must submit, together with the completed application, one of the following:

(a) A deposit of not less than two-hundred fifty dollars (\$250.00) ~~twenty-five dollars (\$25.00)~~; or

(b) An authorization for a payroll deduction or automatic contribution plan in an amount not less than twenty-five dollars (\$25.00) per month ~~fifteen dollars (\$15.00)~~.

~~(5) After an account is established, all subsequent contributions to the account shall be:~~

~~(a) In an amount of not less than twenty-five dollars (\$25.00); or~~

~~(b) Made through an authorization for a payroll deduction or automatic contribution plan in an amount not less than fifteen dollars (\$15.00).~~

~~(5)(6)~~ A benefactor may make a contribution to the account at any time.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History—New 5-30-02, Amended 11-27-02, 12-28-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLES: Termination and Withdrawal; Distributions
RULE NO.: 19B-16.010

PURPOSE AND EFFECT: To provide for the transition to and application of the revised financial requirements for the establishment and maintenance of an account in the Florida

College Investment Plan for accounts established prior to April 1, 2005 and to establish when accounts in the Florida College Investment Plan that were established prior to April 1, 2005, will be subject to termination for failure to comply with the revised requirements for the establishment and maintenance of accounts in the Florida College Investment Plan.

SUMMARY: This rule change is being made to provide for the transition to and application of the revised financial requirements for the establishment and maintenance of an account in the Florida College Investment Plan for accounts established prior to April 1, 2005 and to establish when accounts in the Florida College Investment Plan that were established prior to April 1, 2005, will be subject to termination for failure to comply with the revised requirements for the establishment and maintenance of accounts in the Florida College Investment Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 1009.981(3) 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: 2:00 p.m., March 21, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.010 Termination and Withdrawal; Distributions.

(1) through (3) No change.

(4) Notwithstanding the provisions of subsection (3), accounts established prior to April 1, 2005, will not be terminated for failing to comply with the requirements of subsection 19B-16.004(4), F.A.C., until the first day of any calendar month that is more than twenty-seven months following the date on which the Board received the benefactor's application and initial contribution to the Program, unless the Board receives a special petition seeking waiver of this rule pursuant to Rule 19B-12.001 and subsection 19B-12.003(2), F.A.C.

~~(5)(4)~~ Upon involuntary termination of a participation agreement, the benefactor will be entitled to a refund of the account balance.

~~(6)(5)~~ A benefactor may request a distribution by submitting a written request to the Board. Distributions may be made from an account by any method allowed pursuant to Section 529 of the Internal Revenue Code.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981(3) FS. History—New 5-30-02, Amended 11-27-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLES: Fee Schedule
RULE NO.: 19B-16.012

PURPOSE AND EFFECT: To revise the circumstances when the termination fee applies to accounts in the Florida College Investment Plan.

SUMMARY: This rule change is being made to revise the circumstances when the termination fee applies to accounts in the Florida College Investment Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 1009.971(4)(n), 1009.981 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: 2:00 p.m., March 21, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.012 Fee Schedule.

The following fee schedule will apply to all participation agreements, benefactors and designated beneficiaries:

(1) through (3) No change.

(4) Termination Fee – Benefactors will automatically be assessed a fifty dollar (\$50.00) fee for the termination of any account pursuant to paragraphs 19B-16.010(1)(a) or (b) ~~or (2)(a) or (c), or subsection (3)~~, F.A.C. The termination fee will not be collected when an account is terminated due to the death or disability of the designated beneficiary or the receipt by the designated beneficiary of a scholarship, provided the Board receives documentation of those circumstances.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.971(4)(n), 1009.981 FS. History—New 11-27-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Ownership and Use of “Florida
RULE CHAPTER NO.: 20-109

Citrus Growers” Certification Mark
RULE TITLE: Standards for Citrus Fruit and Citrus
RULE NO.: 20-109.005

Products Bearing the Mark
PURPOSE AND EFFECT: Modifying standards for use of the

“Florida Citrus Growers” symbol to allow products exceeding maximum ratio Grade A limitations to qualify.

SUMMARY: Modifying standards for use of the “Florida Citrus Growers” certification mark.

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: 601.10(1), 601.11, 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.101, 601.9918, 601.15(2) FS.

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

TIME AND DATE: 10:30 a.m., April 20, 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:

20-109.005 Standards for Citrus Fruit and Citrus Products Bearing the Mark.

(1) through (4) No change.

(5) ~~Beginning January 21, 2005, For the period January 1, 2004 through December 31, 2004~~ maximum Grade A standards for brix/acid ratio shall not apply, however the ratio allowed shall not exceed USDA maximum Grade B standards for orange juice.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101, 601.9918, 601.15(2) FS. History--New 2-16-98, Amended 12-24-98, 2-19-03, 3-23-04, _____.

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: January 19, 2005

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

RULE NO.: 33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a specific disciplinary charge for inmates who establish a personal or business relationship with a staff member.

SUMMARY: The proposed rule provides a specific disciplinary charge for inmates who establish a personal or business relationship with a staff member, with a maximum penalty of 60 days of disciplinary confinement and a loss of 180 days of gain time.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Maximum Disciplinary Actions

SECTION 1 through SECTION 8 – No change. SECTION 9 – MISCELLANEOUS INFRACTIONS 9-1 through 9-34 No change.

9-35 Establishes or attempts to establish a personal or business relationship with any staff member 60 DC + 180 GT

SECTION 10 through SECTION 11 – No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History--New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-1-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, _____.

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: January 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Sex Offender Visiting Restrictions

RULE NO.: 33-601.720

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which sex offenders will not be allowed to visit with minors in accordance with Section 944.09(1)(n), F.S. The proposed rule directly states that both the conviction and specific offense criteria must be met before the visiting prohibition will apply.

SUMMARY: The proposed rule states that both the conviction and specific offense criteria must be met before the visiting prohibition will apply in accordance with Section 944.09(1)(n), 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, 944.23 FS.
LAW IMPLEMENTED: 944.09, 944.23 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.720 Sex Offender Visiting Restrictions.

(1) An inmate shall not be authorized to visit with any person seventeen years of age or younger if both paragraphs (a) and (b) below apply:

(a) If the inmate has a current or prior conviction under:

- 1. Chapter 794, F.S. – sexual battery,
- 2. Chapter 800, F.S. – lewdness; indecent exposure,
- 3. Chapter 827, F.S. – abuse of children,
- 4. Chapter 847, F.S. – obscene literature; profanity, and

(b) The offense reveals that the inmate committed or attempted to commit aggravated child abuse or attempted to commit a sex act on or in the presence of, or against a person fifteen years old or younger.

(c) through (6) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 11-18-01, Formerly 33-601.707, Amended 5-29-03, 9-29-03, _____.

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: January 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force
RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add a provision to the use of force file checklist, Form DC1-813, to require inclusion a copy of the completed chemical agent accountability log for each canister used.

SUMMARY: The proposed rule adds a provision to the use of force file checklist, Form DC1-813, requiring inclusion of 1 copy of the completed chemical agent accountability log for each canister used, reflecting the beginning and ending weights of the canister.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 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:

33-602.210 Use of Force.

(1) through (19) No change.

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

(a) DC1-813, Use of Force File Checklist, effective February 25, 2004.

(b) through (n) No change.

Specific Authority 944.09, FS. Law Implemented 20.315, 944.09, 944.35 FS. History–New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, _____.

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: January 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Approval of CLARB Senior Examination
RULE NO.: 61G10-11.006

PURPOSE AND EFFECT: The Board proposes to repeal this rule in accordance with Department instructions. The Senior examination is no longer offered.

SUMMARY: Repealing the approval of the CLARB Senior Examination.

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

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

SPECIFIC AUTHORITY: 481.306 FS.

LAW IMPLEMENTED: 481.311 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-11.006 Approval of CLARB Senior Examination.

Specific Authority 481.306 FS. Law Implemented 481.311(3) FS. History—New 4-24-81, Amended 8-24-81, Formerly 21K-11.06, 21K-11.006, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, Executive Director, Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: Office Surgery Inspection Fee
PURPOSE AND EFFECT: The Department proposes to update the rule text to conform with the other rules in this chapter.

RULE NO.: 64B-4.002

SUMMARY: References to the Board of Osteopathic Medicine and to its rule are added to the text.

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

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

SPECIFIC AUTHORITY: 456.004 FS.

LAW IMPLEMENTED: 458.309(3), 459.005(2) 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: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-4.002 Office Surgery Inspection Fee.

An inspection fee of \$1500 shall be paid annually for each practice location for which, pursuant to Rule 64B8-9.0091, or Rule 64B15-14.0076, F.A.C., a physician is required to register with the Board of Medicine, or the Board of Osteopathic Medicine and be inspected by the Department of Health. Each practice location will be assessed the above referenced fee at the time of inspection regardless of the number of physicians who share this office location.

Specific Authority 456.004(6) FS. Law Implemented 458.309(3), 459.005(2) FS. History—New 2-8-01, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Additional Requirements
RULE NO.: 64B5-14.004

PURPOSE AND EFFECT: The Board proposes the amendment to update continuing education requirements to address training needed for preparation of medical emergencies occurring during the administration of anesthesia.

SUMMARY: The proposed amendment requires anesthesia permit holders to include two (2) hours of continuing education hours dealing with the management of medical emergencies.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.017(3) FS.
LAW IMPLEMENTED: 466.017(3) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.004 Additional Requirements.

(1) through (5) No change.

(6) Each anesthesia permit holder must complete at least four (4) hours of continuing education relating to anesthesia each biennium the permit is held, to include two (2) hours dealing with the management of medical emergencies. These hours would be included in the 30 hours of continuing education required by Section 466.0135(1), F.S.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 2-13-86, Formerly 21G-14.04, Amended 12-31-86, 12-28-92, Formerly 21G-14.004, Amended 12-20-93, Formerly 61F5-14.004, Amended 8-8-96, Formerly 59Q-14.004, Amended 11-4-03, 6-23-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 18, 2004

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Mediation
RULE NO.: 64B11-4.006

PURPOSE AND EFFECT: The Board proposes to provide the opportunity to mediate certain minor offenses that can be remedied by the licensee.

SUMMARY: The rule provides for mediation of three minor offenses.

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: 456.078, 468.204 FS.

LAW IMPLEMENTED: 456.078 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.006 Mediation.

For purposes of subsection 456.078, F.S., the Board finds the following ~~no~~ offenses appropriate for mediation:-

(1) Failure to timely respond to a continuing education audit as required by Rule 64B11-5.001, F.A.C.:

(2) Failure to timely notify the Board of a change of address as required by Rule 64B11-4.007, F.A.C.:

(3) Unintentional violation of Section 456.072(1)(h), F.S., by submitting a worthless check to the Department or Board.

Specific Authority 456.078, 468.204 FS. Law Implemented 456.078 FS. History—New 12-20-98, Amended 6-11-02,_____.

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

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2004

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Labels and Labeling of Medicinal Drugs –
RULE NO.: 64B16-28.402

PURPOSE AND EFFECT: This rule is being repealed as it has been updated and combined with other like rules in Rule 64B16-28.108, F.A.C.

SUMMARY: This rule set forth the requirements for labels and labeling of drugs for community-based pharmacies.

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: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022(1), 465.0255 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.402 Labels and Labeling of Medicinal Drugs – Community Pharmacy Permit.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022(1), 465.0255 FS. History–New 7-3-91, Formerly 21S-28.402, Amended 12-27-93, Formerly 61F10-28.402, 59X-28.402, Amended 9-17-97, 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: December 4, 2004

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60DD-8	Statewide Law Enforcement Radio System
RULE NOS.:	RULE TITLES:
60DD-8.001	Purpose; Definitions
60DD-8.002	Third Party Subscriber Classifications; Application Process
60DD-8.003	Frequencies and Licenses
60DD-8.004	Talk Group Limits
60DD-8.005	Security; Encryption Requirements; Radio Programming and System Key Management
60DD-8.006	Service and Maintenance Priorities

NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to the proposed rules published in the Vol. 30, No. 51 (December 17, 2004) of the Florida Administrative Weekly:

60DD-8.001 Purpose; Definitions.

(1) The purpose of this rule chapter is to establish procedures to allow Third Party Subscribers Eligible Users, as defined herein, to use the Statewide Law Enforcement Radio System (or “SLERS”). Such use benefits the state and facilitates the efficient use of radio spectrum.

(2) The following terms are defined:

(a) Contractor – Entity under contract with State Technology Office to provide ~~construct~~ the Statewide Law Enforcement Radio System.

~~(b) Eligible Users – All entities eligible to hold authorizations in the Federal Communication Commission Public Safety Pool as defined by 47 C.F.R. § 90.20 or to share use of the Statewide Law Enforcement Radio System pursuant to 47 C.F.R. § 90.179.~~

~~(b)(e)~~ Encryption – Cryptographic transformation of data (called “plaintext”) into a form (called “cipher-text”) that conceals the data’s original meaning to prevent it from being known or used.

~~(c)(d)~~ First Responder – Entities, including law enforcement, fire service and emergency medical agencies, trained or responsible for rendering initial care or treating or transporting ill or injured persons.

~~(d)(e)~~ Interoperability – An essential communication link within public safety and public service wireless communications systems which permits users units from ~~two or more~~ different entities to interact with one another and to exchange information in order to more effectively carry out their assigned missions according to a prescribed method in order to achieve predictable results.

~~(e)(f)~~ Interoperability Users – Third Party Subscribers Eligible Users who are not State Law Enforcement users but who need to ~~must necessarily~~ communicate via radio with State Law Enforcement over the SLERS radio network in the course of the Eligible User’s duties.

~~(f)~~ JTF Agency Users – State law enforcement agencies (including ex-officio members) which are or may become members of the Joint Task Force pursuant to Joint Task Force Board approval of applicants’ implementation plans and applicants’ acceptance of Board Policies and Standard Operating Procedures.

(g) Local Law Enforcement – Law enforcement agencies of counties and municipalities.

~~(h) Low radio traffic – The condition whereby a radio tower site is serving fewer transmissions than it is capable of satisfactorily serving based upon its design capacity.~~

~~(h)(i)~~ MHz – Megahertz, or millions of cycles per second (a measure of radio frequency or channel).

~~(i)(j)~~ Security Manager – The individual appointed by the Board of Directors of the Joint Task Force on State Agency Law Enforcement Radio Communications to be responsible for the security of the Statewide Law Enforcement Radio System, as well as any Alternate Security Manager or Deputy Security Manager appointed by the Board of Directors of the Joint Task Force on State Agency Law Enforcement Radio Communications.

~~(j)(k)~~ Special Conditions – Any terms and conditions in the Third Party Agreement for access to the Statewide Law Enforcement Radio System (Form No. STO-SLERS-001, incorporated by reference at subsection 60DD-8.002(2), F.A.C.), included to mitigate the impact of the third party’s usage to other users on the SLERS radio network of the system.

~~(k)(l)~~ State interoperability talk groups – Those talk groups established in the radio system for use by Interoperability Users to communicate with State Law Enforcement agencies.

~~(l)(m)~~ State Law Enforcement– Law enforcement agencies of state agencies and universities.

~~(m)(n)~~ System Key – An electronic code applied to every radio in the radio system, to prevent unauthorized radios from accessing the radio system.

~~(n)(o)~~ System Manager – The individual charged by the State Technology Office with responsibility to manage the contract for the Statewide Law Enforcement Radio System and services any contracts for its construction.

~~(o)(p)~~ Talk group – A logical grouping of radio users as defined in the radio system programming that can communicate together; a radio net.

(p) Third Party Subscribers – Non-JTF Agency Users, which are eligible under Part 90 of the Federal Communication Commission’s rules to use spectrum allocated for public safety use, to which Contractor provides communications services on SLERS.

(3) Other terms shall have their commonly understood meaning.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History–New _____.

60DD-8.002 Third Party Subscribers Eligible Users Classifications; Application Process.

(1) ~~Eligible users shall be classified as one of the following types, in order to set the requirements for their entry into and use of the Statewide Law Enforcement Radio System:~~

~~(a) State Law Enforcement – Agencies of state government and users authorized by them to directly communicate with the Law Enforcement agency. No fees shall apply to such agencies and users.~~

~~(b) Third Party Subscriber – Any agency or user other than Law Enforcement eligible to hold authorizations in the Federal Communication Commission Public Safety Pool as defined by 47 C.F.R. § 90.20, or to share use of the Statewide Law Enforcement Radio System pursuant to 47 C.F.R. § 90.179, complying with the conditions of this rule chapter. Third Party Subscribers shall be ~~are further~~ classified as follows:~~

~~(a)1- Local Law Enforcement and other First Responders – Agencies of local government and other Third Party Subscribers Eligible Users providing law enforcement, fire, and emergency medical services.~~

~~(b)2- Other Public Safety – Agencies of ~~state or~~ local government not directly involved with law enforcement.~~

~~(c)3- Interoperability Users – Local government agencies requiring communications with state or local government law enforcement agencies using the State interoperability talk groups, and having no more than twenty-five (25) subscriber radios on the system.~~

~~(d) State Government Users – Non-JTF User agencies of state government.~~

~~(e)4- Federal government entities that are authorized by the State Technology Office pursuant to 47 C.F.R. § 90.179 and the provisions of this rule chapter.~~

~~(f)(e) Personnel that are task-assigned or liaison to a JTF Agency User State Law Enforcement agency in direct support of the JTF Agency User’s State Law Enforcement agency’s mission but are not a member of the JTF Agency User State Law Enforcement agency shall be classified as JTF Agency Users State Law Enforcement users under this rule chapter, provided that all communication on the system is in direct coordination with the JTF Agency User State Law Enforcement agency. Separate internal talk groups set up strictly for the use of a non- JTF Agency User State Law Enforcement entity shall constitute eligible Third Party Subscriber use under this rule chapter. Such groups shall be subject to the same eligibility requirements and membership conditions as any Third Party Subscriber.~~

(2) ~~Third Party Subscribers Eligible entities~~ wishing to apply to use the Statewide Law Enforcement Radio System shall complete the Third Party Application and Agreement for access to the Statewide Law Enforcement Radio System (Form No. STO-SLERS-001), which hereby incorporated by reference. Form No. STO-SLERS-001 is available on line at www.myflorida.com or by writing to:

Statewide Law Enforcement Radio System
System Manager
State Technology Office
4030 Esplanade Way, Suite 280P
Tallahassee, Florida 32399-0950

(a) Upon receipt of the application, the State Technology Office will within 7 days notify the request Contractor that the application has been received to prepare a proposal for the applicant. The Contractor will then submit a proposal to the

applicant and, upon Contractor and the applicant reaching agreement, submit the proposed agreement to the State Technology Office. The proposed agreement shall contain the proposed terms and conditions, proposed term of subscription, proposed radio coverage requirements, proposed site usage, necessary frequencies and licensing, an overview of equipment, overview of network operation, maintenance and reporting, and an analysis of traffic load impact to the system. The proposed agreement must include a proposed Statement of Responsibilities for subscriber which defines roles and responsibilities of the Contractor, the Third Party Subscriber and the State Technology Office STO. For Local Law Enforcement and other First Responders, the proposed agreement shall include the plan to include the encrypted Interoperability talk groups in the Third Party Subscriber's radios. The proposed agreement shall include a projection of the applicant's growth and impact on the system in terms of additional radio users expected through the year 2020.

(b) After receipt of the proposed agreement, the State Technology Office will review the proposed agreement for compliance with paragraph 60DD-8.002(2)(a), F.A.C., and within 60 days provide the Contractor and applicant with recommendations, if any, regarding the proposed agreement. The State Technology Office shall review the proposed agreement with the Technical and Standard Operations Procedures committees of the Joint Task Force on State Agency Law Enforcement Radio Communications, and, if the applicant's use in no way diminishes the State's use of SLERS or the State's right to control its FCC licenses, present the proposed agreement to the Board of Directors of the Joint Task Force on State Agency Law Enforcement Radio Communications for its comments. If the State Technology Office makes recommendations regarding the proposed agreement, the Contractor shall prepare a final proposed agreement and resubmit the proposed agreement to the State Technology Office.

(c) The State Technology Office shall determine whether the final proposed agreement meets the following conditions:

1. The applicant meets the definition of a Third Party Subscriber in paragraph 60DD-8.001(1)(2)(p)(b), F.A.C.;
2. The proposed use of the system by the applicant will not cause the hourly average waiting time per call to exceeds 0.5 seconds at any site;
3. The proposed use of the system by the applicant will not cause degradation to security or existing operations.

(d) If in response to a proposal the State Technology Office requests an applicant to provide radio frequencies for the system, the applicant shall submit with the final proposal a letter to the System Manager listing the frequencies and authorizing their use.

(e) Upon satisfactory completion of the procedures set forth in paragraphs 60DD-8.002(2)(a)-(d), F.A.C., the State Technology Office shall authorize third party use of the system by the applicant.

(3) Local Law Enforcement and other First Responders will be granted call priorities equivalent to those granted to State Law Enforcement Users. All other Third Party Subscribers shall have lower call priorities.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History--New _____.

60DD-8.003 Frequencies and Licenses.

(1) Third Party Subscribers shall contribute frequencies by an agreement to relinquish them to the State Technology Office for the period of Statewide Law Enforcement Radio System use. Third Party Subscribers shall provide at least six (6) months minimum notice of leaving the system before the contributed frequencies will be returned to the user. The State Technology Office may license in the State of Florida's name all such frequencies contributed to the system.

(2) Federal users and State Government Users non-State Law Enforcement state agencies wishing to join the Statewide Law Enforcement System but having no frequencies to add may be requested to purchase dual band 700/800 MHz radios or to comply with other Special Conditions that may be specified in order to avoid excessive additional traffic loads on the Statewide Law Enforcement Radio System.

(3) Interoperability Users will be exempted from the requirement to provide frequencies if the State Technology Office determines through an engineering evaluation that the subscriber will have a negligible negative impact on the Statewide Law Enforcement Radio System.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History--New _____.

60DD-8.004 Talk Group Limits.

To prevent exhaustion of the Statewide Law Enforcement Radio System's talk group capacity, limits shall be applied as follows:

(1) Local Law Enforcement and other First Responder eligible Third Party Subscribers shall be limited to six talk groups for the first 50 radios, and one additional new talk group in the system for each additional group of 25 or more radios the Third Party Subscriber eligible user requests to use with the system.

(2) Other Third Party Subscribers shall be limited to six talk groups for the first 50 radios, and one additional new talk group for each additional 50 or more radios the Third Party Subscriber eligible user requests to use with the system.

(3) Interoperability Users will be limited to one individual talk group.

(4) Interoperability talk groups shall not be counted in the totals above.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History—New _____.

60DD-8.005 Security, Encryption Requirements, Radio Programming, and System Key Management.

(1) Personnel background checks are required for Interoperability Users but are not required for Third Party Subscribers, unless required by the Third Party Subscriber. Personnel background checks are required for system users of State Law Enforcement agencies and the State Technology Office, and for all contractor personnel who install or maintain the system.

(2) Access to physical facilities provided by Contractor as part of the Statewide Law Enforcement Radio System shall be limited to personnel of JTF Agency Users State Law Enforcement agencies, the State Technology Office and its contractors, or personnel who are escorted by the same.

(3) Encryption is required for access to State interoperability talk groups, but is otherwise at the option of the Third Party Subscriber.

(4) The State Technology Office and its contractors shall be responsible for all radio programming for Third Party Subscribers on the Statewide Law Enforcement Radio System. The system key shall not be released outside the State Law Enforcement agencies, the State Technology Office and its contractors.

(5) The State Technology Office and its contractors shall be responsible for installing the encryption for Interoperability talk groups for Third Party Subscribers on the State Law Enforcement Radio System. The encryption key shall not be released by State Law Enforcement agencies, the State Technology Office and its contractors.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History—New _____.

60DD-8.006 Service and Maintenance Priorities.

(1) If traffic loading at a site causes queuing of calls such that the busy hour average waiting time per call exceeds 0.5 seconds, then the State Technology Office, in consultation with the Contractor and system users, may take measures to restrict system use. Such measures may include: Disabling of individual calling and telephone interconnect calling; patching of talk groups; disabling of talk groups; disallowing the addition of radios to the system; and partitioning of channels.

(2) In no case shall any Third Party Subscriber be granted a higher priority for traffic or provided a faster response for maintenance than required for JTF Agency Users ~~the State Law Enforcement~~ users of the Statewide Law Enforcement Radio System.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Brooks, P.E., Manager, Statewide Law Enforcement Radio System, State Technology Office, 4030 Esplanade Way, Suite 280P, Tallahassee, Florida 32399-0950, (850)414-6768, e-mail: Tom.Brooks@MyFlorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-18.003
 RULE TITLE: Registration of Course Providers
 NOTICE OF CORRECTION

The above-proposed rule was published in the February 4, 2005, issue of the Florida Administrative Weekly, Vol. 30, No. 53, on page 5477.

The after text section of the rule has a typographical error in the date of the published Rule Development. The correct publishing date for the Rule Development was December 30, 2004.

The foregoing change does not affect the substance of the proposed rule.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NOS.:	RULE TITLES:
61H1-33.003	Continuing Professional Education
61H1-33.0031	Continuing Professional Education/Ethics
61H1-33.0032	Board Approval of CPA Ethics Continuing Education by Provider
61H1-33.0033	Obligations of CPA Ethics Course Continuing Education Providers
61H1-33.0034	Evaluation of CPA Ethics Course Providers
61H1-33.00341	Duration of CPA Ethics Course Provider Status

NOTICE OF CORRECTION

The above-proposed rules were published in the February 4, 2005 issue of the Florida Administrative Weekly, Vol. 31, No. 5, on pages 455-457. A Rule Development Notice was published in the January 14, 2005, Florida Administrative Weekly, Vol. 31, No. 2, on pages 87-89.

Due to a typographical error, Rule 61H1-33.0032, F.A.C., Board Approval of CPA Ethics Continuing Education by Provider, was misnumber 61H1-33.30032. The foregoing change does not affect the substance of the proposed rule(s).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, FL 32607

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 44, October 31, 2003, Florida Administrative Weekly has been withdrawn.

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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-11.007
 RULE TITLE: Definition of a “Licensed Clinical Social Worker, or the Equivalent, Who Is a Qualified Supervisor”

NOTICE OF PUBLIC HEARING

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice of a public hearing on the above-referenced rule to be held on April 29, 2005 at 9:00 a.m. at the Board Meeting in the Doubletree Hotel, 101 S. Adams Street, Tallahassee, FL 32301. The rule was originally published in Vol. 31, No. 2 of the January 14, 2005 Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-21.007
 RULE TITLE: Definition of a “Licensed Marriage and Family Therapist with at Least Five Years Experience or the Equivalent, Who Is a Qualified Supervisor”

NOTICE OF PUBLIC HEARING

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice of a public hearing on the above-referenced rule to be held on April 29, 2005 at 9:00 a.m. at the Board Meeting in the Doubletree Hotel, 101 S. Adams Street, Tallahassee, FL 32301. The rule was originally published in Vol. 31, No. 2 of the January 14, 2005, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-31.007
 RULE TITLE: Definition of a “Licensed Mental Health Counselor or the Equivalent, Who is a Qualified Supervisor”

NOTICE OF PUBLIC HEARING

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice of a public hearing on the above-referenced rule to be held on April 29, 2005 at 9:00 a.m. at the Board Meeting in the Doubletree Hotel, 101 S. Adams Street, Tallahassee, FL 32301. The rule was originally published in Vol. 31, No. 2 of the January 14, 2005, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior

to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER NO.: 68A-15
 RULE NO.: 68A-15.004
 RULE CHAPTER TITLE: Type I Wildlife Management Areas
 RULE TITLE: General Regulations Relating to Wildlife Management Areas

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to the above-referenced proposed rule amendment published in Vol. 30, No. 53, December 20, 2004 issue of the Florida Administrative Weekly.

As a result of the final public hearing on the rule held on February 2, 2005, in Panama City Beach, Florida. The rule will now read as follows:

68A-15.004 General Regulations Relating to Wildlife Management Areas.

- (1) No change.
- (2) Permits required:
 - (a) through (d) No change.

(e) The lead managing agency or landowner of a wildlife management area may issue special use permits, valid only during periods closed to hunting, for access, vehicles, vessels, camping, or horses, that would allow the permittee to engage in otherwise prohibited activities not related to the taking of fish and wildlife. The landowner of a wildlife management area that requires a Recreational Use Permit (RUP) may only issue such special use permits to persons holding a RUP for that area. Permittees must possess a copy of the permit when engaged in such activities.

- (3) through (15) No change.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, 6-9-83, 9-27-83, 7-5-84, 7-1-85, Formerly 39-15.04, Amended 5-7-86, 5-10-87, 4-13-88, 8-18-88, 4-19-90, 4-4-91, 4-14-92, 10-22-92, 7-26-94, 11-6-94, 3-30-95, 10-23-95, 9-15-96, 6-1-97, 7-1-98, 12-28-98, 4-15-99, Formerly 39-15.004, Amended 7-1-00, 6-2-02, 5-1-03, 7-1-04, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER NO.: 68A-15
 RULE NO.: 68A-15.063
 RULE CHAPTER TITLE: Type I Wildlife Management Areas
 RULE TITLE: Specific Regulations for Wildlife Management Areas – Northwest Region

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to the above-referenced proposed rule amendment published in Vol. 30, No. 53, December 20, 2004 issue of the Florida Administrative Weekly.

As a result of the final public hearing on the rule held on February 2, 2005, in Panama City Beach, Florida. Only the proposed amendments to subsections (4) and (19) were changed. The changed subsections will now read as follows:

68A-15.063 Specific Regulations for Wildlife Management Areas – Northwest Region.

(4) Blackwater Wildlife Management Area.

(a) Open seasons in the still hunt area (which includes that portion of the area south of Highway 4 except for the field trial area and that portion of the area north of State Road 4 except for the dog hunt area) season:

- 1. General gun – November ~~24-27~~ 25-28 and December ~~10~~ 11 through February ~~1~~ 2.
- 2. Small game – November ~~12-23~~ 13-24, November ~~28~~ 29 through December ~~9~~ 10 and February ~~2~~ 3 through March ~~5~~ 6.
- 3. Spring turkey – March ~~18~~ 19 through April ~~23~~ 24.
- 4. Archery – October ~~15~~ 16 through November ~~13~~ 14.
- 5. Muzzleloading gun – November ~~18-20~~ 19-21, ~~in the still hunt area only (except in the field trial area).~~
- 6. Muzzleloading gun and archery – February ~~16-26~~ 17-27, ~~in the still hunt area only (except in the field trial area).~~ ~~January 21-23 in the designated field trial area only.~~
- 7. ~~Fox, raccoon, opossum and bobcat – May 1 through March 13, north of State Road 4 (except in the still hunt area).~~
- 7.8. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C., ~~(except on the field trial area).~~
- 8.9. Bird dog training – October 1-15 and November ~~14-30~~ 14-30.
- 9.10. Fishing and frogging – Throughout year except on fish hatchery.

(b) Open seasons in the dog hunt area (which includes that portion of the area north of State Road 4 and west of Three Notch Road, east of Mason West Road, and north of Camp Henderson Road; and that portion of the area north of State Road 4, west of Beaver Creek Highway and Hurricane Lake Road, and east of Belandville Road; and that portion of the area north of Break Fork Fire Line, north of Eadie Cotton Road and Peaden Bridge Road, west of Sherman Kennedy Road, south of Mattie Kennedy Road and Kennedy Bridge Road, west of Bullard Church Road, and east of Beaver Breek Highway and Hurricane Lake Road:

- 1. General gun dog – November 24-27, December 10-25, and January 9 through February 1.
- 2. General gun still (use of dogs for taking deer is prohibited and hunting with dogs other than bird dogs or retrievers is prohibited) – December 26 through January 8.

3. Small game – November 12-23, November 28 through December 9 and February 2 through March 5.

4. Spring turkey – March 18 through April 23.

5. Archery – October 15 through November 13.

6. Muzzleloading gun – November 18-20.

7. Muzzleloading gun and archery – February 16-26.

8. Fox, raccoon, opossum and bobcat – May 1 through March 12, in that portion of the dog hunt area east of Belandville Road.

9. Dove – During the mourning dove and white-winged dove season established by Rule 68A-13.008, F.A.C.

10. Bird dog training – October 1-15 and November 14-30.

11. Fishing and frogging – Throughout the year.

(c) Open seasons in the field trial area (which includes that portion of the area bounded by Coldwater Creek on the northwest, the western boundary of Blackwater State Forest to the west and south, State Road 191 on the southeast, and on a line running west 3/4 mile from the intersection of State Road 191 and Forest Road 64 (Spanish Trail), then north one mile and then three miles west to Coldwater Creek at a point 1/2 mile northeast of the Coldwater Recreation Area:

1. Archery – October 15 through November 13.

2. Muzzleloading gun and archery – January 20-22.

3. Dove – During the first phase of the dove season (Monday through Saturday only), the second phase of the dove season (Monday through Wednesday only), and the third phase of the dove season (Monday through Wednesday only) until January 1 on fields posted as open to dove hunting.

4. Bird dog training – October 1-15 and November 14-30.

5. Quail – February 6-9 and February 20-23.

6. Fishing and frogging – Throughout year except on fish hatchery.

(d)(b) Legal to take: All legal game, fish, frogs and furbearers. During the January 20-22 21-23 archery/muzzleloading gun season on the field trial portion of the area any deer (daily bag limit one) except spotted fawns may be taken. Feral hogs may be taken during any period when possession of a gun is otherwise authorized with no size or bag limit on wild hogs. Taking quail is prohibited on the field trial area except during the quail season. The bag limit for quail on the field trial area is 12 per hunting group each day. A group for purpose of quail hunting on the field trial area shall include up to 2 persons. Taking quail after 3:00 p.m. Central Time is prohibited during the quail season on the field trial area.

(e)(e) Camping: Throughout year at designated campsites only.

(f)(d) General regulations:

1. That portion known as the field trial area which is bounded by Coldwater Creek on the northwest, the western boundary of Blackwater State Forest to the west and south, State Road 191 on the southeast, and on a line running west 3/4

mile from the intersection of State Road 191 and Forest Road 64 (Spanish Trail), then north one mile and then three miles west to Coldwater Creek at a point 1/2 mile northeast of the Coldwater Recreation Area shall be open to deer hunting only during the archery season before November 1 and during the January 21-23 archery/muzzleloading gun season and for mourning doves during the first phase of the dove season (Monday through Saturday only), and the second phase of the dove season (Monday through Wednesday only), and the third phase of the dove season (Monday through Wednesday only) until January 1 on fields posted as open to dove hunting.

2. Hunting with dogs other than bird dogs and retrievers is prohibited in the still hunt area, which includes that portion of the area south of State Road 4 and that portion of the area north of State Road 4 and east of Hurricane Lake Road and Beaver Creek Highway and south of the Brake Fork Fireline, west of Eadie Cotton Road, south of Peaden Bridge Road, east of Sherman Kennedy Road, north of Mattie Kennedy Road and Kennedy Bridge Road, east of Bullard Church Road and east of Ashburn Fork Fireline; and that portion of the area west of Mason West Road and west of Simmons Road from its intersection with Mason West Road to Camp Henderson Road.

1.3. During fox, raccoon, opossum and bobcat season, hunting as specified in paragraph 68A-24.002(2)(b), F.A.C., is permitted.

2.4. Vehicles may be operated only on named or numbered roads, except on that portion of the area lying south of State Road 4 and east of County Road 191 and those lands north of State Road 4 and east of Forest Road 31 (Hurricane Lake Road cutoff and Beaver Creek Road) where vehicles may be operated only on established roads.

3.5. Dogs are prohibited in the field trial area, except as specifically authorized by permit, or during the bird dog training or quail hunting seasons season.

4.6. The discharge of any gun within 300 yards of a public campsite is prohibited.

5.7. Taking of wildlife by use of a gun on, upon or from rights-of-way of State Road 4, 191, 189 and 2; U.S. Highway 90; County Highway 180; Carpenter Road from County Road 191 to Juniper Creek; Forest Road 31, 47, 25, 86, 23, 72, 48, 6 and the paved portions of Forest Roads 57, 2 and 9 is prohibited as provided by Rule 68A-4.008, F.A.C.

6.8. The use of airboats, tracked vehicles, or all-terrain vehicles on the area is prohibited, except by Division of Forestry use permit.

7.9. Vehicles are prohibited on the Florida Gas Transmission Line and from March 1 through September 30 in all of Sections 32 and 33 and portions of Sections 27, 28 and 34, Township 4 North, Range 26 West and all of Section 9 and portions of Sections 5, 8, 14, 15, 16 and 17, Township 3 North, Range 26 West all as posted as Environmental Enhancement Area.

(19) Escambia River Wildlife Management Area.

- (a) Open season:
 1. General gun – November ~~24-27~~ ~~25-28~~ and December ~~10~~ ~~11-31~~.
 2. Archery – October ~~15~~ ~~16~~ through November ~~13~~ ~~14~~.
 3. Muzzleloading gun – November ~~18-20~~ ~~19-21~~.
 4. Archery and muzzleloading gun – January 1 through February ~~1~~ ~~2~~ and February ~~16-26~~ ~~17-27~~.
 5. Small game – November ~~12~~ ~~13~~ through March ~~5~~ ~~6~~.
 6. Spring turkey – March ~~18~~ ~~19~~ through April ~~23~~ ~~24~~.
 7. Fox, raccoon, opossum, and bobcat – November 1 through July 31 except during spring turkey season.
 8. Migratory game birds – Migratory game birds during seasons established by Rules 68A-13.003 and 68A-13.008, F.A.C.
 9. Fishing and frogging – Permitted throughout the year.
- (b) through (c) No change.
- (d) General regulations:
 1. Vehicles may be operated only on named or numbered roads.
 2. Hunting with dogs, other than bird dogs or retrievers, is prohibited on Parker and Morgan Islands (except in accordance with paragraph 68A-24.002(2)(b), F.A.C., when hunting raccoon) and in that portion of the area north of State Road 184, Mineral Springs Road in Santa Rosa County, and Bogia Road in Escambia County.
 3. The use of all-terrain vehicles is prohibited.
 4. Taking of wildlife by use of a gun on or from rights-of-way of State Road 184 and all other paved roads located within the area is prohibited as provided by Rule 68A-4.008, F.A.C.
 5. Raccoon may be taken by the use of firearms only during November 1 through March 1.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
68A-15	Type I Wildlife Management Areas
RULE NO.:	RULE TITLE:
68A-15.064	Specific Regulations for Wildlife Management Areas – South Region

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to the above-referenced proposed rule amendment published in Vol. 30, No. 53, December 20, 2004 issue of the Florida Administrative Weekly. As a result of the final public hearing on the rule held on February 2, 2005, in Panama City Beach, Florida. Only the proposed amendment to subsection (9) were changed. The changed subsection will now read as follows:

- 68A-15.064 Specific Regulations for Wildlife Management Areas – South Region.
- (9) Picayune Strand Wildlife Management Area.
- (a) Open season:
 1. Archery – September ~~10-16~~ ~~11-17~~ and ~~17-25~~ ~~18-26~~.
 2. Muzzleloading gun – October ~~15-17~~ ~~16-18~~.
 3. General gun – October ~~29~~ ~~30~~ through November ~~1~~ ~~2~~ and November ~~2-6~~ ~~3-7~~.
 4. Small game – November ~~12-27~~ ~~13-28~~.
 5. Spring turkey – March ~~4-7~~ ~~5-8~~ and ~~8-12~~ ~~9-13~~.
 6. Fishing and frogging – Permitted throughout the year.
- (b) through (c) No change.
- (d) General regulations:
 1. Hunting with dogs is prohibited except bird dogs and retrievers may be used during the small game season.
 2. The use of tracked vehicles ~~or~~ airboats, ~~or all-terrain vehicles~~ is prohibited. Off-Highway Vehicles (all-terrain vehicles and off-highway motorcycles) are prohibited except by permit from the Division of Forestry only.
 3. Vehicles may be operated only on named or numbered roads and trails.
 4. Hunters shall check in and out at a designated check station when entering and exiting the area and shall check all game taken.
 5. No deer, hog or turkey shall be dismembered until checked at a check station.
 6. Fires other than campfires are prohibited.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
68A-17	Wildlife and Environmental Areas
RULE NO.:	RULE TITLE:
68A-17.004	General Regulations Relating to Wildlife and Environmental Areas

NOTICE OF CHANGE

The Fish and Wildlife Conservation Commission announces changes to the above-referenced proposed rule amendment published in Vol. 30, No. 53, December 20, 2004 issue of the Florida Administrative Weekly.

As a result of the final public hearing on the rule held on February 2, 2005, in Panama City Beach, Florida. The rule will now read as follows:

- 68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.
- (1) No change.
- (2) Permits required:
 - (a) through (c) No change.

(d) The lead managing agency or landowner of a wildlife and environmental area may issue special use permits, valid only during periods closed to hunting, for access, vehicles, vessels, camping, or horses, that would allow the permittee to engage in otherwise prohibited activities not related to the taking of fish and wildlife. The landowner of a wildlife and environmental area that requires a Recreational Use Permit (RUP) may only issue such special use permits to persons holding a RUP for that area. Permittees must possess a copy of the permit when engaged in such activities.

(3) through (17) No change.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.57 FS. History—New 4-12-98, Amended 12-28-98, Formerly 39-17.004, Amended 7-1-00, 7-1-04, 7-1-05.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 578, SILVER 7s
 RULE NO.: 53ER05-30
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 578, “SILVER 7s,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-30 Instant Game Number 578, SILVER 7s.

(1) Name of Game. Instant Game Number 578, “SILVER 7s.”

(2) Price. SILVER 7s lottery tickets sell for \$5.00 per ticket.

(3) SILVER 7s lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the

latex area on the ticket. To be a valid winning SILVER 7s lottery ticket, the ticket must meet the requirements of subsection 53ER05-27(11), F.A.C. In the event a dispute arises as to the validity of any SILVER 7s lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

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

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
	8	9	10	11	12
	EIGHT	NINE	TEN	ELEVN	TWELV
13	14	15	16	17	18
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
19	20	21	22	23	24
NINTN	TWENTY	THYONE	THYTHO	THYTHR	THYFOR
25	26	27	28	29	
THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	



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

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
8	9	10	11	12	13
EIGHT	NINE	TEN	ELEVN	TWELV	THRTN
14	15	16	17	18	19
FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN
20	21	22	23	24	25
TWENTY	THYONE	THYTWO	THYTHR	THYFOR	THYFIV
	26	27	28	29	
	THYSIX	THYSVN	THYEGT	THYNIN	

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

\$1.00	\$2.00	\$4.00	\$5.00	\$10.00	\$15.00
ONE	TWO	FOUR	FIVE	TEN	FIFTEEN
\$25.00	\$50.00	\$75.00	\$100	\$200	\$500
THY FIV	FIFTY	SVY FIV	ONE HUN	TWO HUN	FIV HUN
\$1,000	\$10,000	\$100,000			
ONE THO	TEN THO	ONE HUN THO			

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to 15 sets of matching numbers. The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$100,000.



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

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 578 are as follows:

GAME PLAY:	WIN:	ODDS OF 1 IN:	NUMBER OF WINNERS IN 34 POOLS OF 120,000 TICKETS PER POOL:
\$1 X 5	\$5	30.00	136,000
(\$1 x 3) + \$2	\$5	30.00	136,000
\$1 + (\$2 x 2)	\$5	30.00	136,000
\$5	\$5	30.00	136,000
\$1 x 10	\$10	60.00	68,000
\$2 + (\$4 x 2)	\$10	60.00	68,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	68,000
\$1 + (\$2 x 2) + \$5	\$10	120.00	34,000
\$10	\$10	120.00	34,000
\$1 x 15	\$15	60.00	68,000
\$15	\$15	60.00	68,000
\$5 x 5	\$25	300.00	13,600
(\$5 x 3) + \$10	\$25	400.00	10,200
\$5 + (\$10 x 2)	\$25	300.00	13,600
(\$2 x 5) + \$5 + \$10	\$25	300.00	13,600
(\$1 x 5) + (\$2 x 10)	\$25	400.00	10,200
\$25	\$25	600.00	6,800
\$50 (7 SYMBOL)	\$50	105.26	38,760
\$5 x 15	\$75	20,000.00	204
\$5 + (\$10 x 7)	\$75	20,000.00	204
(\$5 x 5) + \$50 (7 SYMBOL)	\$75	20,000.00	204
(\$10 x 5) + \$25	\$75	20,000.00	204
\$75	\$75	20,000.00	204
\$10 + (\$15 x 6)	\$100	1,500.00	2,720
(\$5 x 10) + (\$10 x 5)	\$100	600.00	6,800
\$25 x 4	\$100	1,333.33	3,060
(\$25 x 2) + \$50 (7 SYMBOL)	\$100	600.00	6,800
\$100	\$100	1,200.00	3,400
\$50 x 10	\$500	102,000.00	40
(\$25 x 10) + (\$50 x 5)	\$500	81,600.00	50
\$500	\$500	102,000.00	40
\$100 x 10	\$1,000	408,000.00	10
\$200 x 5	\$1,000	408,000.00	10
(\$50 x 10) + (\$100 x 5)	\$1,000	408,000.00	10
\$500 x 2	\$1,000	408,000.00	10
\$1,000	\$1,000	408,000.00	10
\$1,000 x 10	\$10,000	1,360,000.00	3
(\$500 x 10) + (\$1,000 x 5)	\$10,000	1,360,000.00	3
\$10,000	\$10,000	1,360,000.00	3
\$100,000	\$100,000	2,040,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 578 are 1 in 3.77. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 578, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a SILVER 7s lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for SILVER 7s lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 2-11-05.

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

EFFECTIVE DATE: February 11, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 576, TRUCKLOAD OF CASH

RULE NO.: 53ER05-31

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 576, "TRUCKLOAD OF CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-31 Instant Game Numbers 576, TRUCKLOAD OF CASH.

(1) Name of Game. Instant Game Number 576, "TRUCKLOAD OF CASH."

(2) Price. TRUCKLOAD OF CASH lottery tickets sell for \$1.00 per ticket.

(3) TRUCKLOAD OF CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning

TRUCKLOAD OF CASH lottery ticket, the ticket must meet the requirements of subsection 53ER05-27(11), F.A.C. In the event a dispute arises as to the validity of any TRUCKLOAD OF CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

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

TICKET	\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
TICKET	ONE	TWO	FOUR	FIVE	TEN
\$25.00	\$50.00	\$100	\$500	\$2,500	
THY FIVE	FIFTY	ONE HUN	FIVE HUN	THY FIV HUN	

(5) Determination of Prizewinners.

(a) A ticket having three like amounts in the play area shall entitle the claimant to a prize of that amount. The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500 and \$2,500. A ticket having three "TICKET" symbols in the play area shall entitle the claimant to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a TRUCKLOAD OF CASH lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 576 are as follows:

GAME PLAY:	WIN:	ODDS OF	NUMBER OF
TICKET	\$1 TICKET	1 IN:	WINNERS IN
			56 POOLS OF
			180,000 TICKETS
			PER POOL:
\$1	\$1	10.00	1,008,000
\$2	\$2	15.00	672,000
\$4	\$4	25.00	403,200
\$5	\$5	150.00	67,200
\$10	\$10	30.00	336,000
\$25	\$25	150.00	67,200
\$50	\$50	300.00	33,600
\$100	\$100	2,000.00	5,040
\$500	\$500	29,647.06	340
\$2,500	\$2,500	336,000.00	30
		1,008,000.00	10

(7) The estimated overall odds of winning some prize in Instant Game Number 576 are 1 in 3.89 Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(8) For reorders of Instant Game Number 576, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a TRUCKLOAD OF CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

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

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 2-11-05.

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

EFFECTIVE DATE: February 11, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE TITLE: Requirements Relating to Public Adjusting

RULE NO.: 69BER05-4

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Financial Services hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare: The 2004 hurricane season was particularly destructive for Florida. On August 12, 2004 Tropical Storm Bonnie made land fall in the Florida panhandle. Shortly after Tropical Storm Bonnie, substantial damage in southwest and central Florida was caused by Hurricane Charley, which hit the Punta Gorda and Port Charlotte area on August 13, 2004 as a category 4 hurricane with sustained winds up to 145 miles per hour. Hurricane Charley crossed northeast through the center of the state exiting near Daytona Beach. In a 10-mile wide swath extending from the southwest coast there was widespread major damage to homes, loss of personal belongings and corresponding temporary loss of employment.

Additional damage was caused by Hurricane Frances, which hit the east coast of Florida on September 4, 2004, as a category 2 hurricane, and slowly crossed the peninsula. Hurricane Frances, though less intense than Charley, caused damage over a much wider area of the state.

On September 16, 2004, category 4 Hurricane Ivan caused massive damage in the Florida Panhandle. Hurricane Ivan impacted the Gulf Coast as a category 4 hurricane with sustained winds up to 130 miles per hour. The eye made land fall just west of the western Florida line, bringing hurricane force winds to much of the Florida Panhandle. The hurricane also produced tornados that destroyed and damaged structures

in the Florida Panhandle. There was extensive damage in the Pensacola area, which was hit by the strong northeast quadrant of the storm as it made landfall.

More damage resulted in Florida from Hurricane Jeanne, which made landfall near Stuart, Florida the night of September 25, 2004, as a category 3 hurricane with sustained winds up to 120 miles per hour. On September 26, the storm moved northwest across the state.

The Governor of Florida declared states of emergency as a result of each of the hurricanes, and much of Florida was declared a federal disaster area.

Cumulative insured losses have been estimated at \$20.4 billion for Hurricanes Charley, Frances, Ivan and Jeanne. Most of those losses are in Florida. Insurers have reported in excess of 1.3 million property insurance claims in Florida, thousands of which have yet to be adjusted.

Although it is now five months since the last hurricane, insurance companies have still not been able to settle the immense volume of claims that resulted. The continuing and deepening frustration of claimants who still have not been compensated, many of whom are still living in temporary housing consisting of trailers provided by the Federal Emergency Management Agency, may be motivated by their frustration to seek the services of public adjusters who will represent them for a percentage of their insurance claim proceeds. Although public adjusters may provide valuable assistance in some cases, insurance company adjusters are expected to settle claims fairly and timely without the necessity of consumers' spending money to hire their own adjuster. In the absence of the prohibitions provided by this emergency rule, some public adjusters might exploit frustrated storm victims with high fees and other unethical practices. The Department has received telephone inquiries from public adjusters asking when they will be able to charge fees in excess of 10% of a claim settlement. Some of these adjusters may be holding up the claims process in hopes of raising their fees as soon as the current emergency rule expires. This rule will prevent this unethical practice from occurring.

Excessive adjusting fees are a source of injury to the public health, safety, and welfare by substantially impairing the financial ability of insureds to effectuate repairs to damaged property in a timely fashion, to commence or complete repairs, or to make proper and adequate repairs meeting building code requirements. In order for complete rebuilding to occur, it is necessary that insurance proceeds not be eroded by unreasonable public adjuster fees. As a result, there is a need to limit the fees imposed by public adjusters to a reasonable level. This rule limits fees charged by public adjusters to 10 percent of the policy proceeds.

The rule provisions relating to required contract terms, and other ethical requirements, are reasonable and necessary based on the department's experience with public adjuster abuses after prior hurricanes.

The Legislature recognized, in Section 626.8698, F.S., that the interest of the public demands that public adjusters be prohibited from "soliciting or otherwise taking advantage of a person who is vulnerable, emotional or otherwise upset as a result of trauma, accident or similar occurrence..." The storms of the 2004 hurricane season have placed a great number of people in a state of vulnerability. The emotional stress of claimants may lead them to make imprudent decisions in the context of contracting with public adjusters. The lengthening duration of time that some storm victims have been waiting to get their claims adjusted has increased their frustration and therefore their vulnerability.

In consideration of the emergency conditions currently existing, and given the Department's responsibility to protect the public interest, including insureds, and implement the Insurance Code, an emergency rule is necessary.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Financial Services believes that adopting an emergency rule is the fairest method to protect the public because the nature of the destruction caused by the storms, including disruption of communication and transportation, requires an immediate response. The conditions resulting from the storms require the Department to exercise its authority to provide protection from the conduct of unscrupulous public adjusters now. The provisions of this rule provide needed guidance to public adjusters. A Department bulletin addressed to all licensed public insurance adjusters would reach them, but would not be legally binding.

Emergency Rule 69BER04-22, F.A.C., which addressed this situation, expired on February 12, 2005. As of the date of the filing of this rule, thousands of property insurance claims resulting from the storms have not been paid, and thousands of windstorm damaged residences and businesses have not been repaired. The cumulative effect of the multiple storms has created a continuing emergency situation.

The Department is in the process of developing amendments to permanent Chapter 69B-220, F.A.C., to address some of the issues in the emergency rule. However, based on the timeframes established in the Administrative Procedures Act, Chapter 120 Florida Statutes, permanent rules cannot become effective until mid-May. It would be inappropriate to allow public adjusters increase their fees for the hurricane victims who have waited the longest to have their claims settled and their homes repaired.

SUMMARY OF THE RULE: This emergency rule adopts emergency ethical standards to be applied to claims resulting from Hurricanes Charley, Frances, Ivan, and Jeanne, and Tropical Storm Bonnie. The rule limits public adjuster commissions to a maximum 10% of insurance proceeds regardless of whether the risk is residential or commercial. The rule also prohibits public adjusters from requiring, demanding, or accepting payments prior to settlement of a claim. The rule

requires certain standards for public adjuster contracts to reduce risk of deception. The rule also establishes ethical standards to avoid incompetence, conflict of interest, and deceptive practices. The rule also establishes a 14-day rescission period for public adjuster contracts. Additionally the rule prohibits public adjusters from entering into a contract to adjust a residential property claim that has been declared a total loss, unless the public adjuster services can reasonably be expected to benefit the claimant.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jerry W. Whitmore, Chief, Bureau of Investigation, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0333, (850)413-5601

THE FULL TEXT OF THE EMERGENCY RULE IS:

69BER05-4 Requirements Relating to Public Adjusting.

(1) General provisions.

(a) This emergency rule sets forth specific limits on public adjuster commissions and provides other ethical standards to protect insureds under stress due to loss.

(b) The provisions of this emergency rule are intended to supplement the requirements for conduct of public adjusting and ethical requirements placed on public adjusting as set forth in Rules 69B-220.051 and 69B-220.201, Florida Administrative Code, as promulgated pursuant to applicable law. These provisions are intended to provide needed guidance to public adjusters and assure ethical public adjusting claims practices under the specific circumstances caused by the impact of Hurricanes Charley, Frances, Ivan, and Jeanne, and Tropical Storm Bonnie.

(c) This rule applies only to losses occurring as a result of Hurricanes Charley, Frances, Ivan, and Jeanne, and Tropical Storm Bonnie.

(d) This rule applies for 90 days from the date filed with the Secretary of State, Bureau of Administrative Code.

(e) The provisions of this rule impose ethical requirements binding upon public adjusters, in addition to those requirements established in Rule Chapter 69B-220, Florida Administrative Code.

(2) Definitions.

(a) "Public Adjuster" is defined for purposes of this rule as defined in Section 626.854, Florida Statutes.

(b) "Public Adjusting" is the activity described in Section 626.854, Florida Statutes.

(3) Limits on Commissions.

(a) As to any one insured or claimant, no public adjuster shall charge, agree to, or accept as compensation or reimbursement any payment, commission, fee, or other thing of value equal to more than ten percent of any insurance settlement or proceeds.

(b) No public adjuster shall require, demand, or accept any fee, retainer, compensation, deposit, or other thing of value, prior to settlement of the claim.

(4) Required Contract Terms. Public adjusters shall ensure that all contracts for their services are in writing, and contain the following terms:

(a) The contract shall legibly state the full name as specified in Department records of the public adjuster signing the contract.

(b) The contract shall be signed by the public adjuster who solicited the contract. If the public adjuster is licensed by the Department as an emergency public adjuster, the contract shall show the public adjuster's:

1. Permanent home address and home phone number;
2. Permanent home state business address and phone number; and
3. Florida Department license number.

(c) The contract shall show:

1. The insured's full name and street address;
2. Address of loss;
3. A brief description of the loss;
4. The insured's insurance company name and policy number, if available.

(d) The contract shall show the date the contract with the public adjuster was actually signed by the insured or claimant.

(e)1. The full compensation to the public adjuster shall be stated in the contract.

2. If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified.

3. Any costs to be reimbursed to the public adjuster out of the proceeds shall be specified by type, with dollar estimates set forth in the contract.

4. Compensation provisions in a public adjusting contract shall not be redacted in any copy of the contract provided to an insurer. Such a redaction shall constitute an omission of material fact in violation of Section 626.9541(1)(e)2., Florida Statutes.

(5) General Ethical Requirements. Public Adjusters shall adhere to the following requirements:

(a) An adjuster shall not undertake the adjustment of any claim concerning which the adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the adjuster's current expertise.

(b)1. No person shall, as a public adjuster, represent any person or entity whose claim the adjuster has previously adjusted while acting as an adjuster representing any insurer or independent adjusting firm.

2. No person shall, as a company or independent adjuster, represent him or herself or any insurer or independent adjusting firm against any person or entity that the adjuster previously represented as a public adjuster.

(c)1. A public adjuster shall not represent or imply to any client or potential client that insurers, company adjusters, or independent adjusters routinely attempt to, or do in fact, deprive claimants of their full rights under an insurance policy.

2. No insurer, independent adjuster, or company adjuster shall represent or imply to any claimant that public adjusters are unscrupulous, or that engaging a public adjuster will delay or have other adverse effect upon the settlement of a claim.

(d)1. No public adjuster, while so licensed in the Department's records, may represent or act as a company adjuster, independent adjuster, or general lines agent.

2. No independent adjuster or company adjuster, while so licensed in the Department's records, may represent or act as a public adjuster.

(e)1. A public adjuster's contract with a client shall be revocable or cancelable by the insured or claimant, without penalty or obligation, for at least 14 business days after the contract is entered into.

2. The public adjuster shall disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period.

3. If the insured elects to cancel the contract, prompt notice shall be provided to the adjuster.

4. Nothing in the provision shall be construed to prevent an insured from pursuing any civil remedy after the 14 day cancellation period.

(f) A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.

(g) A public adjuster shall ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.

(6) Total Loss Claims. No public adjuster shall knowingly enter into a contract to adjust a residential property claim subsequent to an insurer declaring the property a total loss, unless the services to be provided by the public adjuster can reasonably be expected to result in the claimant obtaining an insurance settlement, net of the adjuster's compensation, in excess of what the insured claimant would have obtained without the services of the public adjuster.

Specific Authority 624.308, 626.878, 626.9611 FS. Law Implemented 624.307(1), 624.307, 626.611, 626.621, 626.865(2), 626.8698, 626.878, 626.9541(1)(e),(i) FS. History—New 2-14-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 14, 2005

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2005-010 DAO-ROW), on February 9, 2005, to Health Management Associates, Inc. The petition for waiver was received by the SFWMD on November 15, 2004. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 30, No. 48, on November 24, 2004. No public comment was received.

This Order provides a waiver for the proposed construction of two turn lanes to encroach within the west right of way of the Henderson Creek Canal in association with the installation of two conspan bridges serving as entrances into the Collier County Medical Center; also, a waiver of District criteria for the proposed turn lanes to be placed within 40 feet of top of the canal bank, within the District's right of way in Collier County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground structures within 40 feet of top of canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Health Management Associates, Inc. from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2005-011 DAO-ROW), on February 9, 2005, to Palm Beach County Department of Engineering and Public Works. The petition for waiver was received by the SFWMD on December 17, 2004. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 31, No. 1, on January 7, 2005. No public comment was received.

This Order provides a waiver for the proposed reconstruction of the existing bridge over the C-18E Canal and ancillary improvements to the bridge including roadway improvements, drainage improvements, utility improvements and force main and landscape improvements; also, a waiver of District criteria for the proposed construction of a detention area, a guardrail, and dry detention area and drainage structures to the existing Loxahatchee River Road Bridge crossing the C-18E Canal within the District's right of way in Palm Beach County. Specifically, the Order grants a waiver from subsections 40E-6.011(4),(6) and paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent or semi-permanent facilities within 40 feet of top of canal bank and placement of stormwater treatment facilities within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting waiver from the subject rule would prevent Palm Beach County Department of Engineering and Public Works from suffering a violation of the principles of fairness.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 2, 2004, by Rick Dayton of Otis Elevator regarding Fairfield Orlando @ Bonnet Creek Building 3, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 14, 2004, by William O. Williams III of Otis Elevator regarding Sutton Place II Office Building, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 2, 2004, by William O. Williams III of Otis Elevator regarding Dupuy Silo Facility, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 2, 2004, by William O. Williams III of Otis Elevator regarding The Tennyson Condominiums, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 14, 2004, by William O. Williams III of Otis Elevator regarding Marina San Pablo Condominiums, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 2, 2004, by William O. Williams III of Otis Elevator regarding The Metropolitan, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 8, 2004, by Rick Dayton of Otis Elevator regarding Lake Buena Vista Resort, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 17, 2004, by Tim Hawthorne of Otis Elevator regarding Veranda Park Buildings 7 & 8, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on January 31, 2005, the Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C., which require a machine room, steel ropes and non welded terminations, from William O. Williams III of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™

elevator systems in the following location: St. Vincent's Cancer Center and Garage located in Jacksonville (Petition VW 2005-007).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on November 5, 2004, by Rick Dayton of Otis Elevator regarding Florida Hospital – Alden Street Parking Garage, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on November 16, 2004, by Patricia Serely of Otis Elevator regarding Seychelles, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on November 3, 2004, by Patricia Serley of Otis Elevator regarding Ocean Ritz, seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on November 15, 2004, by Steve Powell of KONE, Inc. regarding Managed Access-272, seeking a waiver from Rules 100.3a and 101.6 of ASME A17.1, 1996 Edition with 1997 Addenda and Rule 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Chapter 61C-5.001, F.A.C. The petitioner requested to not have a separate machine room outside of the hoistway.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on November 12, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of University of Florida Library UF-144 (VW 2004-140), seeking a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b and 212.1, of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room, to use 9.5-mm governor rope metal sheaves and drums lined with nonmetallic groove materials, sheaves with a minimum pitch diameter 40 times the diameter of the rope and to use aramid non-metallic ropes.

A copy of the Orders can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on November 5, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of Memorial Presbyterian Church (VW 2004-136), seeking a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b and 212.1, of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room, to use 9.5-mm governor rope metal sheaves and drums lined with nonmetallic groove materials, sheaves with a minimum pitch diameter 40 times the diameter of the rope and to use aramid non-metallic ropes.

A copy of the Orders can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on November 5, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of The Savoy on Palm (Petition VW 2004-137) seeking a waiver from Chapter 100.3a, 101.6, 105.1, 105.3b, 105.3c, 107.1e, 200.4a, and 204.1e (2)(c), A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The Petitioner requested access to the overspeed governor from outside the hoistway, prohibiting the machine and control room from being within the hoistway, to allow the use if guide rails to support the loads and stresses, reduce the clearance above the car, allow additional loads be calculated prior to obtaining minimum bracket spacing requirements from the published table and to allow a cartop emergency hatch openable by a restricted use key.

A copy of the Orders can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202

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

NOTICE OF CORRECTION – A Petition for Variance and Waiver of paragraph 64B8-5.001(2)(a), F.A.C., on behalf of Alejandro Rotter, M.D., was published in the February 18, 2005 issue of the Florida Administrative Weekly, Vol. 31, No. 7.

The Notice erroneously stated Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling and should have stated Department of Health, Board of Medicine. The foregoing change does not affect the substance of the original Notice.

The person to be contacted regarding the above change is Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3258.

The Board of Medicine hereby gives notice that it has received a Petition for Variance or Waiver filed on February 7, 2005 by Ashraf Anani, M.D. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver of the provisions of Rule 64B8-5.001, F.A.C. Specifically, the Petitioner requests that the Board waive the requirement of 7 years to successfully complete all 3 steps of the USMLE and accept the petitioner having completed the 3 steps in a time exceeding 7 years due being fully involved in residency training.

Copies of the petition may be obtained by writing: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Permanent Variance February 7, 2005, from the City of Hialeah Fire Department, Hialeah, Florida

Applicable Rule: Subsection 64E-2.007(3), F.A.C.

Requested Action: To grant the City of Hialeah Fire Department a permanent variance to subsection 64E-2.007(3) F.A.C., which requires that all transport vehicles permitted to licensed services must meet the vehicle design specifications, except for color schemes and insignias, as listed in United States General Services Administration (GSA)-KKK-1822, Federal Specifications for Ambulances as mandated by Section 401.35(1)(d), Florida Statutes, applicable to the year of the manufacture of the vehicle.

Any interested person or agency may submit written comments on this petition until close of business March 11, 2005. Comments on or requests for copies of the petition must be addressed to Ms. Victoria Parsons, Program Specialist, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738.

P.O. DO 29262

NOTICE IS HEREBY GIVEN that the Department of Health issued a Final Order on January 18, 2005, in response to a petition for a variance filed on November 18, 2004, by Edward Festa, CEO, representing Eco-Pure Waste Water Systems, Inc. Petitioner sought a variance from subparagraph 64E-6.029(2)(a)2., F.A.C., which requires ongoing sampling for nitrogen, phosphorous and fecal coliforms from advanced secondary performance based treatment systems receiving setback reductions or flow allowances. Notice of the petition was published in the December 10, 2004, edition of the Florida Administrative Weekly.

On January 18, 2005, the Department received a letter from the petitioner withdrawing the petition.

A copy of the petition and withdrawal letter may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
 - Office of Insurance Regulation
 - Office of Financial Regulation
- Financial Management Information Board
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: March 17, 2005, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and

orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, conservation and preservation lands and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor. The Department of Environmental Protection, as staff to the Board of Trustees of the Internal Improvement Trust Fund in addition to the above, will also present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/index.html> or by contacting each individual agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold telephone conference calls to which all persons are invited.

COMMITTEE: Legislative Committee

DATE AND TIME: March 8, 2005, 10:00 a.m.

COMMITTEE: Awards and Rec. Committee

DATE AND TIME: March 8, 2005, 11:00 a.m.

COMMITTEE: Annual Report Committee

DATE AND TIME: March 9, 2005, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Citrus Production Research Advisory Council** announces a General Meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, March 8, 2005, 9:15 a.m.

PLACE: Ben Hill Griffin Hall, Rooms 3 and 4, University of Florida, Citrus Research and Education Center, 700 Experiment Station Road, Lake Alfred, Florida 33850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present research proposals for 2005-2006.

If you need special accommodations due to a disability or for directions, please call (863)956-1151.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Food and Nutrition Advisory Council.

DATE AND TIME: March 10, 2005, 9:30 a.m. – 11:00 a.m.

PLACE: FDACS Animal Disease Diagnostic Laboratory, 2700 N. John Young Parkway, Kissimmee, Florida 34745

DATE AND TIME: March 10, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: The Peabody Orlando, 9801 International Drive, Orlando, Florida, (407)345-4507

DATE AND TIME: March 11, 2005, 8:00 a.m. – 12:00 Noon

PLACE: The Peabody Orlando, 9801 International Drive, Orlando, Florida, (407)345-4507

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the status of food and nutrition programs and initiatives in the State of Florida.

A copy of the agenda can be obtained by contacting: Cathy Quick, 407 S. Calhoun Street, Mayo Building, 2nd Floor (M39), Tallahassee, Florida 32399-0800.

If special accommodations are needed to attend this meeting because of a disability, please contact Cathy Quick, (850)487-6694 by March 4, 2005.

DEPARTMENT OF EDUCATION

The **Florida Atlantic University**, Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, March 2, 2005, 10:00 a.m.

PLACE: Florida Atlantic University at Jupiter, John D. MacArthur Campus, 5353 Parkside Drive, Jupiter, FL 33458

PUBLIC COMMENT: A public comment segment is scheduled immediately following the board meeting. Public comment will be taken on items on the board agenda. Presenters will be required to complete a public comment request card prior to the public hearing. Comment cards will be available at the meeting.

A copy of the agenda may be obtained by contacting: Ms. Joanne Elsner, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-4030.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Ms. Paula Behl, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling (561)297-2130 (TDD).

The Florida **Department of Education** announces a public meeting to which all persons are invited.

DATE AND TIME: March 11, 2005, 8:30 a.m. – 12:00 Noon

PLACE: Florida Department of Education, Ralph E. Turlington Building, 325 West Gaines Street, Room 1703/1707, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The State Apprenticeship Advisory Council will hold a meeting to discuss general items relating to apprenticeship in Florida. The agenda includes follow-up actions from the first council meeting (January) on subjects of committee structure, assignments and responsibilities. The program will include an apprenticeship update relative to apprentices and programs registered in Florida.

A copy of the agenda may be obtained by contacting: Yvette Hargreaves, (850)245-9469, e-mail: yvette.hargreaves@fldoe.org.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact Yvette Hargreaves, (850)245-9469, at least seven days in advance so their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited.

DATE AND TIME: March 14, 2005, 9:00 a.m.

PLACE: Radisson Mart Hotel, 711 N. W. 72nd Avenue, Miami, Florida, (305)261-3800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Barry University, 11300 NE Second Avenue, Miami; Casa Casuarina, 1116 Ocean Drive, Miami Beach; Village Park, 11700 Pierson Road, Wellington; Stock Exchange Restaurant, 125 Basin Street #102-103, Daytona Beach.

DATE AND TIMES: March 14, 2005
8:00 a.m. Meeting of the Structural Technical Advisory Committee.

10:00 a.m. Product Approval / Prototype Buildings / Manufactured Buildings POC.

10:00 a.m. Meeting of the Mechanical Technical Advisory Committee.

2:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

3:00 p.m. Meeting of the Fire Technical Advisory Committee.

DATE AND TIMES: March 15, 2005

8:00 a.m. Meeting of the ICC Participation Work Group.

9:00 a.m. Meeting of the Education Technical Advisory Committee.

10:00 a.m. Meeting of the Energy Technical Advisory Committee

11:00 a.m. Meeting of the Budget Committee.

DATE AND TIME: March 15, 2005

1:00 p.m. Meeting of the Plenary Session of the Florida Building Commission. Review and approval of the Agenda. Review and approval of the January 24 and 25, 2005 Minutes. Chair's Discussion of Issues and Recommendations, Review and Update of Commission Workplan.

Product Approval Work Group Progress Report.

ICC Participation Work Group Preliminary Report.

Building/Fire Code Duplicate Provisions and Overlapping Responsibilities Assessment Update.

Legislative Issues Report.

Consideration of requests for waiver from accessibility code requirements: Barry University, 11300 N. E. Second Avenue, Miami; Casa Casuarina, 1116 Ocean Drive, Miami Beach; Village Park, 11700 Pierson Road, Wellington; Stock Exchange Restaurant, 125 Basin Street #102-103, Daytona Beach.

Consideration of Petitions for Declaratory Statement:

Expedited Adoption of Hurricane Response Code Amendments

Second Hearing:

DCA04-DEC-233 by Seann M. Frazier of Greenberg Traurig PA

First Hearing:

DCA04-DEC-222 by Ed Riley of Collier County

DCA05-DEC-031 by John I. Johnson, AIA of Gresham, Smith and Partners

DCA05-DEC-032 by James P. Stephan of Stephan Manufacturing

DCA05-DEC-034 by G. David Rogers of Florida Propane Gas Association

DCA05-DEC-035 by Ed Riley of Collier County

Consideration of Applications for Product and Entity Approval

Public Comment on Quality of Construction

General Public Comment

Commission Member Comments and Issues

Recess until Wednesday 8:30 a.m.

DATE AND TIME: March 16, 2005

8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission continued.

Review and approval of the Agenda.

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Budget Committee; Education TAC Report; Energy TAC Report; Fire TAC Report; Mechanical TAC Report; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

Review Committee Assignments and Issues for the Commission's May 9, 10, and 11, 2005 Meeting.

Rule Adoption Hearing on Rule 9B-70, Building Code Training Program

Rule Adoption Hearing on Rule 9B-3.048, State Minimum Plumbing Code

Rule Adoption Hearing on Rule 9B-3.049, State Minimum Electrical Code

Rule Adoption Hearing on Rule 9B-3.050, State wide Amendments to the Florida Building Code

Joint Session with the Hurricane Research Advisory Committee: Assessment of Building Code Performance Surveys of Home Damage, Summary of February 11 and 12, 2005 Hurricane Symposium, Presentation on Roofing Industry's Roof Tile Systems Upgrades Initiative, and Presentation on Water Intrusion.

Summary Review of Meeting Work Products

DATE AND TIME: March 16, 2005

1:00 p.m. Attic Ventilation Workshop.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, web site: www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact: Ms. Barbara Bryant, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are

hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: March 10, 2005, 8:30 a.m.

PLACE: AmeriSuites Hotel Plantation, 8530 W. Broward Blvd., Plantation, FL 33324

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call: Christine Jones, (850)245-7914.

Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Christine Jones, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

Notice is hereby given that the **Board of Trustees of the Internal Improvement Trust Fund** of the State of Florida, or designee, is proposing the establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes, and will hold a public hearing to which all interested persons are invited to participate.

DATE AND TIME: March 10, 2005, 6:00 p.m.

PLACE: Board of County Commissioners' Chambers, Third Floor, W. Harmon Turner Building (Administration Building F), Collier County Government Center, 3301 E. Tamiami Trail, Naples, FL 34112

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the purpose of considering evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as Collier County Beach Renourishment Project. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along Pelican Bay and Park Shore shore lines fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in Section Section 32, Township 48 S, Range 25 E and Section 5, Township 49 S, Range 25 E and Section 16, Township 49 S, Range 25 E and Section 8, Township 49 S, Range 25 E Collier County, Florida

Written objections to, or inquires regarding, the proposed Erosion Control Line should be submitted to the Bureau of Beaches and Coastal Systems, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, prior to the date mentioned above. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

BY ORDER OF THE BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA
 JEB BUSH, GOVERNOR

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of two public meetings of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: March 16, 2005, 9:00 a.m. – 4:00 p.m. (EST)

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

(Persons who wish to participate may call (850)921-2548, Suncom 291-2548, on the date and at the time indicated for access to the meeting.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain approval to file Rules 19-8.010, F.A.C. (Reimbursement Contract), 19-8.012, F.A.C. (Ineligibility/Exemption from Fund), 19-8.029, F.A.C. (Insurer Reporting Requirements), and

Rule 19-8.030, F.A.C. (Insurer Responsibilities) for adoption, to file Rule 19-8.013, F.A.C. (Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes) for Notice of Change, to file Rule 19-8.031, F.A.C. for repeal, to discuss the 2005 Ratemaking Formula Report and the proposed 2005 Rates and to vote on the filing of a Notice of Proposed Rulemaking as to Rule 19-8.028, F.A.C. (Reimbursement Premium Formula), and to engage in other general business of the Council.

DATE AND TIME: March 29, 2005, 9:00 a.m. – 12:00 Noon (EST)

PLACE: This will be a teleconference meeting. The number to call to participate is (850)921-2548, Suncom 291-2548

This meeting will be held only if it is determined to be necessary during the meeting on March 16, 2005.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose will be to obtain approval to file Rule 19-8.028, F.A.C. (Reimbursement Premium Formula) for Notice of Proposed Rulemaking, to discuss the 2005 Ratemaking Formula Report and the proposed 2005 Rates. In addition, other general business of the Council may be addressed.

Anyone wishing a copy of the agenda for either meeting should contact: Donna Sirmons, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodation to attend the meeting is requested to contact Donna Sirmons by mail, at the address given immediately above, or by telephone at (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

The Florida Hurricane Catastrophe Fund, which is administered by the **State Board of Administration** (Board), announces a meeting of the Board to which all persons are invited.

DATE AND TIME: April 5, 2005, 9:00 a.m. (EST)

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide permission for the Florida Hurricane Catastrophe Fund to file Rules 19-8.010, 19-8.012, 19-8.029, and 19-8.030, F.A.C., along with the Forms incorporated therein, for adoption, to file a Notice of Change with respect to Rule 19-8.013, F.A.C., and to approve the repeal of Rule 19-8.031, F.A.C. In addition, permission will be sought to file a Notice of Rule Hearing with respect to Rule 19-8.028, F.A.C., and other general business of the Board may be addressed.

Anyone wishing a copy of any of the Rules or Forms should contact: Tracy Allen, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300, (850)413-1341.

The Investment Committee of the **Florida Prepaid College Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, March 9, 2005, 9:30 a.m. or soon thereafter

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

The **Florida Prepaid College Program Board** announces a public hearing to which all interested parties are invited to attend.

DATE AND TIME: Wednesday, March 9, 2005, 11:30 a.m. or soon thereafter

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by writing: Thomas J. Wallace, Executive Director, Florida Prepaid College Program, 1801 Hermitage Blvd., Suite 210, Tallahassee, Florida 32308, (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is based.

SPECIAL ACCOMMODATION: Any person requiring special accommodations at the meeting because of a disability should fax a written request for same to Thomas J. Wallace, Executive Director, Florida Prepaid College Board, (850)488-3555, no later than five (5) days prior to the meeting.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 041272-EI – Petition for approval of storm cost recovery clause for recovery of extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan, by Progress Energy Florida, Inc.

DATE AND TIME: March 14, 2005, 1:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces customer service hearings in the following docket, to which all interested persons are invited.

Docket No. 041272-EI – In re: Petition for approval of storm cost recovery clause for recovery of extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan, by Progress Energy Florida, Inc.

DATE AND TIME: Tuesday, March 15, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: City Council Chambers, City Hall, 2nd Floor, 151 S. E. Osceola Avenue, Ocala, Florida

DATE AND TIME: Tuesday, March 15, 2005, 6:00 p.m. – 9:00 p.m.

PLACE: City Council Chambers, City Hall, 120 E. Main Street, Apopka, Florida

DATE AND TIME: Wednesday, March 16, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: City Commission Chambers, City Hall, 450 N. Wilson Avenue, Bartow, Florida

DATE AND TIME: Wednesday, March 16, 2005, 6:00 p.m. – 9:00 p.m.

PLACE: City Council Chambers, 2nd Floor, City Hall, 175 5th Street, North, St. Petersburg, Florida

DATE AND TIME: Thursday, March 17, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: City Council Chambers, 3rd Floor, City Hall, 112 S. Osceola Avenue, Clearwater, Florida

DATE AND TIME: Wednesday, March 30, 2005, 9:30 a.m.

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

Each hearing will begin as scheduled and will continue until all witnesses have been heard. If no witnesses are present, the hearing may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit members of the public to give testimony regarding the petition of Progress Energy Florida, Inc. for approval of a Storm Cost Recovery Clause for recovery of extraordinary expenditures related to Hurricanes Charley, Frances, Jeanne, and Ivan. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

For further information, contact Jennifer Brubaker, Office of the General Counsel, (850)413-6228. One or more Commissioners of the Florida Public Service Commission may attend and participate in the hearings.

The Florida **Public Service Commission** will consider at its March 29, 2005, Agenda Conference, Docket No. 050082-GU, Application of Florida City Gas, a Division of NUI Utilities, Inc., for authority to issue debt security, pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to enter into certain loan agreements to refinance certain existing indebtedness, under which payment of principal and interest is insured. The maximum aggregate amount of the New Indebtedness under the refinance transactions will be \$66.5 million.

DATE AND TIME: Tuesday, March 29, 2005, 9:30 a.m. although the time at which this item will be heard cannot be determined at this time.

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 050082-GU.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired

should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

For additional information, please contact: Katherine Fleming, Office of the General Counsel, (850)413-6218.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Florida Sports Foundation** announces a quarterly grant committee meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 2, 2005, 2:00 p.m. – 3:30 p.m.

PLACE: 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309; Call In Numbers – (850)922-7892 (Tallahassee), 1(800)416-4132 (toll free)

Please make note that if a person decides to appeal any decision made by the Grant Committee with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is to be based.

The **Governor’s Faith-Based and Community Advisory Board**, Intermediary Identification and Evaluation Subcommittee announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Wednesday, March 2, 2005, 3:00 p.m.

PLACE: Conference call (850)410-0960, Leader: David Odahowski & Randy Nelson, Past Co-Chairs

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss intermediary identification and the state’s grant and accountability system.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Personnel, Budget and Finance Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 3, 2005, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Planning and Growth Management, Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 3, 2005, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 3, 2005, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Ad Hoc Committee on Beach Access announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 3, 2005, 11:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is established to examine how the Council can address the issue of Beach Access.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Ad Hoc Committee on Policies, Priorities and Procedures announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, March 3, 2005, 11:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is established to examine how the Council can transform and conduct business to help meet new challenges.

A copy of the Ad Hoc Committee Charge agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee and Exercise Sub-Committee, to which all persons are invited.

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

PLACE: Hardee County Health Department, 115 K D Revell Road, Wauchula, Florida 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, March 9, 2005, 10:00 a.m.

PLACE: City of Lakeland, Magnolia Building, 702 East Orange Street, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and its Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

REGIONAL TRANSPORTATION AUTHORITIES

The **Hillsborough Area Regional Transit Authority (HART)** announces the following public meetings of the Governing Board of the Authority to which all persons are invited:

Public Hearing

DATE AND TIME: March 7, 2005, 8:00 a.m.

PLACE: HARTline, County Center, 601 E. Kennedy Boulevard, 26th Floor, Room B, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Scheduled Board of Directors Meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: 1. Call to order; 2. Approval of Minutes; 3. Introductions, Recognition and Awards; 4. Consumer Advisory Committee Report; 5. Public Comment on Action Items; 6. Consent Action Items; 7. Other Action Items; 8. Chairman's Report; 9. Reports from HART Representatives; 10. HART Committee Reports; 11. Other Board Member's Report; 12. Executive Director's Report; 13. Employee Comment; 14. General Public Comment; 15. Discussion and Presentations; 16. Monthly Information Reports; 17. Other Information Items; 18. Other Business.

A copy of the detailed agenda may be obtained by contacting: Lena Zaretskaya, Executive Administrative Assistant III, Hillsborough Area Regional Transit Authority, 201 E. Kennedy Boulevard, Suite 900, Tampa, FL 33602-5829, (813)223-6831, Ext. 2111.

Section 286.0105, Florida Statutes, states that if a person decided to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Lauren Skiver, (813)623-5835, at least 48 hours before the meeting. If the caller is hearing impaired, contact the Authority, (813)626-9158 (TTD).

COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, March 10, 2005, 8:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Building C, Room C307, Hearing Room A, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709. Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday at 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting: Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces the following public workshop to which all persons are invited:

DATE AND TIME: Thursday, March 10, 2005, 6:00 p.m.(CST)

PLACE: University of West Florida, Fort Walton Beach Campus Auditorium, 1170 Martin Luther King, Jr. Boulevard, Fort Walton Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit public input on the District's 2005 Draft District Water Management Plan Update.

For more information on the workshop agenda and 2005 Draft District Water Management Plan, contact: Ms. Maria Culbertson, Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-9700, (850)539-5999.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District at least 72 hours prior to the meeting by contacting: Maria Culbertson, (850)539-5999.

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: March 9, 2004, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. Following the Board meeting the Board will attend a workshop; Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Torode/Lake Rowell Addition, 20 acres +/- located in Bradford County, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Walker/Deep Creek Addition Conservation Easement, 570 acres +/- located in Columbia County, Florida, in exchange for 473 acres +/- of SRWMD/Deep Creek lands to be encumbered by a conservation easement.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or (800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following PROJECTS AND LAND COMMITTEE MEETING(S) AND TOUR. All persons are invited.

Projects and Land Committee public meeting forum

DATE AND TIME: Thursday, March 3, 2005, 4:00 p.m. – 5:00 p.m.

PLACE: Matheson Museum (at the Kirby Smith Center), 513 East University Avenue, Gainesville, FL 32601

Projects and Land Committee business meeting followed by a land tour of Orange Creek Basin Projects

DATE AND TIME: Friday, March 4, 2005, 8:00 a.m. – 10:00 a.m.

PLACE: Sweetwater Branch Conference Room, 625 East University Avenue, Gainesville, FL 32601 (Following the business meeting – a tour of District land(s) in the Orange Creek Basin Project Area.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation of Orange Creek Basin Projects. Business meeting to consider Committee agenda items.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429, calling Sonia Blake, Water Resources Dept., (386)312-2330.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, March 8, 2005, 8:45 a.m., St. Johns River Water Management District Office, Highway 100, West, 4049 Reid Street, Palatka, FL. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, March 8, 2005, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, March 8, 2005, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD/REGULATORY MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, March 8, 2005, 1:00 p.m. (This meeting may continue at 8:00 a.m., Wednesday, March 9, 2005, if not completed March 8)

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

GOVERNING BOARD BUDGET PLANNING SESSION

DATE AND TIME: Tuesday, March 8, 2005, following regularly scheduled Governing Board/Regulatory meeting which begins at 1:00 p.m. (If not completed, this meeting may continue at 8:00 a.m., Wednesday, March 9, 2005)

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Planning session for development of Annual Work Plan and Budget for FY2005-2006 including schedule, guidelines, objectives, priorities, goals, revenue projections, etc.

A copy of the agenda may be obtained at: St. Johns River Water Management District, (386)329-4500, website: www.sjrwmd.com. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours in advance.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

BASIN BOARD EDUCATION COMMITTEE MEETING (Note: This is a change of location from what was originally published in the year-long calendar.)

DATE AND TIME: Tuesday, March 8, 2005, 9:30 a.m.

PLACE: East Bay High School, 7710 Big Bend Road, Gibsonton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business. Following the meeting, Governing and Basin Board members will tour the Tampa Electric Company (TECO) Manatee Viewing Center, Schultz Preserve and Cockroach Bay restoration projects.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

DATE AND TIME: Wednesday, March 9, 2005, 4:00 p.m.

PLACE: Sarasota Service Office, 6750 Fruitville Road, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business. Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41, South), Brooksville, Florida 34604, (352)796-7211, 1(800)231-6103, Suncom 628-4150, TDD ONLY 1(800)231-6103.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: Dianna Brass, (352)796-7211, Extension 4604, 1(800)423-1476, Extension 4604, Suncom 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

Any person deciding to appeal any decision made by the Board with respect to any matter considered at this hearing or meeting will need a record of the proceeding, and for such purpose that person may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested parties are invited to attend:

PEACE CREEK WATERSHED COORDINATING COMMITTEE MEETING

DATE AND TIME: Wednesday, March 9, 2005, 7:00 p.m.

PLACE: Polk County Commission Boardroom, 1st Floor, Neil Combee Administration Building, 330 West Church Street, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss and work toward recommendations on improvements to flood protection, water storage, natural systems restoration and long term operation and maintenance of existing drainage facilities within the Peace Creek Watershed.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida), (352)796-7211, Extension 4609, Fax (352)754-6874, TDD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: March 1, 2005, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact: Marcie Daniel, Budget Division, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, March 7, 2005, 6:00 p.m.

PLACE: The LaBelle Civic Center (right in back of City Hall), 481 West Hickpochee Avenue, LaBelle, FL 33935

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) C-43 Issues Workshop.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, Website: <http://www.sfwmd.gov/gover/GovBoard/agenda.html>.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, March 8, 2005, 9:00 a.m. – completed

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting to discuss Human Resource and Outreach matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, Website: <http://www.sfwmd.gov/gover/GovBoard/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, March 8, 2005, 10:00 a.m. – completed

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting to discuss Land Resource and Regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, Website: (<http://www.sfwmd.gov/gover/GovBoard/agenda.html>) .

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces that a Special Board Meeting of its Board of Directors was held:

DATE AND TIME: Monday, February 14, 2005, 9:00 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider approval of Refunding Resolution authorizing Tampa Bay Water Utility System Refunding Revenue Bonds, Series 2005. Due to market conditions, a substantial savings will be realized if the Board has an opportunity to consider this Refunding Resolution at this Special Board Meeting rather than waiting for the next Regular Board Meeting.

ACTION TAKEN: The Board approved the Refunding Resolution.

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting to which the public is invited.

DATE AND TIME: Wednesday, March 2, 2005, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Statewide Advocacy Council**, Training and Standards Standing Committee announces a meeting to which all interested persons are invited to participate.

DATES AND TIME: March 9-11, 2005, 8:00 a.m.

PLACE: Room 143, Regional Service Center, 2295 Victoria Avenue, Fort Myers 33906

This meeting is open to the public. For more information, contact: Cynthia Castro, (850)488-6173.

The **Agency for Health Care Administration** announces a meeting/public forum of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATES AND TIME: Thursday, March 10, 2005; Friday, March 11, 2005, 9:00 a.m.

PLACE: Vincent A. Stabile Research Building, Conference Room 2, H. Lee Moffitt Cancer Center and Research Institute, 12902 Magnolia Drive, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at www.fdhc.state.fl.us/dhit/index.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 10, 2005, 10:00 a.m. – 3:00 p.m.

PLACE: The Governor's Club, Capital Room, 202 South Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation; Board of Directors Meeting.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail: COLVINL@fdhc.state.fl.us. To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 9, 2005, 6:00 p.m. – 9:00 p.m.

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 1, Plans & Construction Conference Room, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation, Scientific Research Advisory Committee Meeting.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail: COLVINL@fdhc.state.fl.us. To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

The **Agency for Health Care Administration** announces a meeting of the Panel on Excellence in Long-Term Care to which all interested parties are invited.

DATE AND TIME: Friday, March 18, 2005, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Panel on Excellence in Long-Term Care. The purpose of this meeting is to discuss quality of care issues as it relates to the Gold Seal award as well as review any applications for such an award. Other matters before the Panel will also be discussed.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Barbara Dombrowski, (850)414-9707, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Barbara Dombrowski, Agency for Health Care Administration, Bldg. 3, Room 1229, 2727 Mahan Drive, Tallahassee, FL 32308.

DEPARTMENT OF MANAGEMENT SERVICES

The **Office of Early Learning** announces a public hearing to which all persons are invited:

DATE AND TIME: March 17, 2005, 10:00 a.m. – 3:00 p.m. or until the close of business

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Child Care Development Fund (CCDF) State Plan for 2005-2007.

A copy of the agenda/current CCDF plan may be downloaded at www.schoolreadiness.org or by contacting: Lisa Barnes, (850)922-4200, e-mail: Lisa.Barnes@awi.state.fl.us.

The **Florida Black Business Investment Board, Inc. (FBBIB)** and the Florida Black Business Support Corporation (FBBSC) announce the new location of meetings of their board of directors to which all interested persons are invited.

DATE AND TIME: Thursday, March 10, 2005, 10:00 a.m. – 2:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To further discuss the Board's operations, to identify areas for future Board priorities, loan, audit, and development committees, discussion/review/approval of related issues, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend this meeting, please notify the FBBIB office, (850)487-4850, at least seven (7) days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE OF CANCELLATION – The **Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco** announces that the public meeting regarding Rules 61A-7.006-.009, F.A.C., to be held on Thursday, March 3, 2005, 9:30 a.m. – 11:30 a.m. has been canceled due to withdrawal of the rules.

Any questions may be directed to: Mike Martinez, Special Counsel, Florida Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0063.

The **Department of Business and Professional Regulation** announces a public meeting of the Florida Board of Cosmetology to which all persons are invited to participate.

DATE AND TIME: Sunday, April 10, 2005, 9:00 a.m.

PLACE: Marriott Tampa Westshore, 1001 North Westshore Boulevard, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Suite #60, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Electrical Contractor's Licensing Board** announces the following Board Meeting to which all interested persons are invited to attend:

DATE AND TIME: March 17, 2005, 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (portions closed to the public)

DATE AND TIME: March 17, 2005, 10:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

DATE AND TIME: March 18, 2005, 8:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

PLACE: Embassy Suites Boca Raton, 661 N. W. 53rd Street, Boca Raton, FL 33487, (561)994-8200

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact, in writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he or she will need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board Office, (850)487-8304, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 16, 2005, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference – To connect, dial (850)414-1708, Suncom 994-1708

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office at (850)922-5012. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The **Board of Accountancy** announces the following public meetings to which all person are invited.

Probable Cause Panel

DATE AND TIME: Thursday, March 17, 2005, 9:00 a.m.

Meeting of the Board

DATE AND TIME: Friday, March 18, 2005, 9:00 a.m.

PLACE: Hilton Tampa Airport, 2225 Lois Avenue, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The probable cause panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public. However, there may be cases where probable cause was previously found which are to be reconsidered, and may be open to the public. The Board will meet to consider enforcement proceedings including consideration of investigating officer's reports and other general business. A copy of any probable cause materials which are open to the public, along with the board agenda's may be obtained by writing to John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public. If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting John W. Johnson, (352)333-2500. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Florida Real Estate Appraisal Board**, Probable Cause Panel announces a telephone conference call to be held via meet me number.

DATE AND TIME: Monday, March 7, 2005, 9:30 a.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida or Meet Me Number (850)921-6545

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: March 14, 2005, 4:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, March 15, 2005, 8:30 a.m.; reconvening Wednesday, March 16, 2005, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The **Department of Health, Board of Dentistry** will hold a general business meeting to which all persons are invited.

DATES AND TIMES: Anesthesia Committee Workshop – March 10, 2005, 4:00 p.m.; if necessary, General Business Meeting – March 11, 2005, 8:00 a.m.

PLACE: Omni Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: March 4, 2005, 2:00 p.m.

PLACE: Meet Me Number (850)922-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section

no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, March 11, 2005, 12:00 Noon or soon thereafter

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, Florida 32822, (407)851-9000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

The **Board of Nursing**, Legislative Committee/Certified Nursing Assistant Committee will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: February 24, 2005, 8:30 a.m. – 6:00 p.m.

PLACE: Doubletree Hotel, 101 S. Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: For discussion of Legislative Issues for the Board of Nursing.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Board of Podiatric Medicine**, Probable Cause Panel will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Thursday, March 10, 2005, 4:00 p.m.

PLACE: The Wyndham Westshore, 4860 W. Kennedy Boulevard, Tampa, FL, (813)286-4400

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Podiatric Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, March 11, 2005, 9:00 a.m.

PLACE: The Wyndham Westshore, 4860 W. Kennedy Boulevard, Tampa, FL, (813)286-4400

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, Website: www.doh.state.fl.us/mqa/podiatry/po_home.html.

The Florida **Coordinating Council for Deaf and Hard of Hearing** announces information about its upcoming meeting to which all persons are invited.

DATE AND TIMES: March 10, 2005, 1:00 p.m. – 6:30 p.m. (Committee meetings – 1:00 p.m. – 3:00 p.m.; Public comment is welcome from 3:30 p.m. – 6:30 p.m.)

Business meeting

DATE AND TIME: March 11, 2005, 8:30 p.m. – 5:00 p.m.

PLACE: Holiday Inn Hotel, 1711 North University Drive, Plantation, FL, (954)472-5600

GENERAL SUBJECT MATTER TO BE CONSIDERED: Coordination of services and policy recommendations for accessibility, supports, and services in Florida.

To request a FCCDHH Public Comment Card contact: Misty Burns, 1(866)602-3275 (Voice) or 1(866)602-3276 (TTY), e-mail: misty_burns@doh.state.fl.us.

To request an agenda contact Misty Burns as above.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Sign language and oral interpreter services and computer-assisted real-time translation (CART) services will be provided at this meeting. Any person requiring additional accommodations needs to contact Misty Burns at least 7 working days prior to the meeting.

The **Department of Health**, Diabetes Prevention and Control Program, Florida Alliance for Diabetes Prevention and Care, Data Workgroup will hold a workgroup meeting via conference call to which all interested persons are invited to participate.

DATE AND TIME: Monday, March 7, 2005, 10:00 a.m. – 11:00 a.m.

PLACE: Toll Free No. provided by moderator

If you would like to join the conference call, have questions, or require additional information, please contact: M. R. Street, (850)245-4330. All requests for special accommodations must be received by Tuesday, February 22, 2005, at 5:00 p.m. Eastern Time.

The **Department of Health**, Diabetes Prevention and Control Program, Florida Alliance For Diabetes Prevention and Care, Steering Committee Members (formerly IWG) will hold their next Alliance Steering Committee meeting via conference call to which all interested persons are invited to participate.

DATE AND TIME: Tuesday March 8, 2005, 12:00 Noon – 1:00 p.m.

If you would like to join the conference call, have questions or require additional information, please contact: M. R. Street, (850)245-4330. All requests for special accommodations must be received by Friday, March 4, 2005, 5:00 p.m., Eastern Time.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend:

DATES AND TIME: Monday, March 21, 2005; Friday, March 25, 2005, 2:00 p.m. (EST)

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of responses submitted for Florida Housing Finance Corporation's Request for Proposal #2004-12 for the Development of Housing for Persons with Physical, Mental, or Developmental Disabilities.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting. If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF FINANCIAL SERVICES

The **Office of Financial Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: March 1, 2005, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Repeal of Rules 3C-22.005, 69W-301.004, 69U-120.680, 3D-1.006, and 3D-1.010, F.A.C. Notices of the proposed actions were published in the Vol. 31, No. 1, January 7, 2005 issue of the Florida Administrative Weekly.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting: Andy Price, (850)410-9896.

The **Department of Financial Services, Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIMES: February 28, 2005, 2:00 p.m. – 4:00 p.m.; resuming 6:00 p.m. – 8:00 p.m.

PLACE: Harborview Center, 300 Cleveland St., Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Nationwide Insurance Company of Florida has requested a 100% average statewide rate increase for its Manufactured Home Program and a 28.2% average statewide rate increase for its Home Program. These rate increases are based, at least in part, on a computer model. Florida law requires that a public hearing be held regarding any rate filing that is based in whole or part on data from a computer model and which exceeds 25%. Input from interested parties will be received at this public hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please telephone the Harborview Center, (727)462-6778, at least 5 calendar days before the program.

The **Department of Financial Services, Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIMES: March 1, 2005 2:00 p.m. – 4:00 p.m.; resuming 6:00 p.m. – 8:00 p.m.

PLACE: Harold & Sylvia Kaplan Jewish Community Center, 3151 N. Military Trail, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Nationwide Insurance Company of Florida has requested a 100% average statewide rate increase for its Manufactured Home Program and a 28.2% average statewide rate increase for its Home Program. These rate increases are based, at least in part, on a computer model. Florida law requires that a public hearing be held regarding any rate filing that is based in whole or part on data from a computer model and which exceeds 25%. Input from interested parties will be received at this public hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Harold & Sylvia Kaplan Jewish Community Center, (561)689-7700, at least 5 calendar days before the program.

The **Department of Financial Services** announces a meeting of the Task Force on Policyholder Services and Relations for Citizens Property Insurance Corporation to which all interested persons are invited.

DATE AND TIME: March 23, 2005, 9:30 a.m. – 2:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of minutes from the previous meeting, general business of the Task Force, and public testimony. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Rebekah Stamps, (850)413-2826, at least five calendar days prior to the meeting.

A copy of the agenda may be viewed at www.fldfs.com/GeneralCounsel or obtained by contacting: Rebekah Stamps, (850)413-2826.

VISIT FLORIDA

The **VISIT FLORIDA**, Board of Directors announces a public meeting as follows:

MEETING: Sales Committee

DATE AND TIME: Tuesday, March 1, 2005, 11:00 a.m. – 2:00 p.m.

PLACE: 7083 Grand National Drive, Suite 102, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Present suggested 2005-2006 Sales programs based on Marketing Retreat discussions

For further information contact: Brenna M. Cawley, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 373.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **VISIT FLORIDA** announces a public meeting of the New Product Development Steering Committee.

DATE AND TIME: Tuesday, March 15, 2004, 2:30 p.m. – adjournment

PLACE: VISIT FLORIDA, Corporate Offices, 661 East Jefferson Street, Suite 300 Tallahassee, FL 32301, (850)488-5607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss ongoing business of the committees of the New Product Development Council.

For further information contact: Jill Rutli, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 347.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD)

PRIDE ENTERPRISES

PRIDE Enterprises announced a BOD meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, March 2, 2005, 9:00 a.m. – 2:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, Florida, www.peol.com

FIRST FLORIDA GOVERNMENTAL FINANCING COMMISSION

The **First Florida Governmental Financing Commission** announces the following special public meeting, where all interested parties are invited:

DATE AND TIME: Wednesday, March 9, 2005, 11:00 a.m.

PLACE: Council Chambers, City Hall, City of St. Petersburg, 175 Fifth Street, North, St. Petersburg, FL

A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, Post Office Box 14923, Tallahassee, FL 32317-4923, (850)878-1874.

FLORIDA CLERK OF COURT OPERATIONS CORPORATION

The **Clerks of Court Operations Corporation** announces a teleconference to which all persons are invited.

DATE AND TIME: March 16, 2005, 1:30 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss the information submitted by clerks via the recently distributed survey and other budget issues.

Information regarding the meeting may be obtained by contacting John Dew, Florida CCOC, (850)386-2223 or by visiting the CCOC website at www.flccoc.org.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors' announces a public meeting to which all interested parties are invited:

BOARD OF GOVERNORS' QUARTERLY MEETING

DATE AND TIME: Monday, April 18, 2005, 1:00 p.m.

PLACE: Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Suite 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to: Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, Ext. 301.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN THAT the Department of Education has received a Petition for a Declaratory Statement from the Fire Code Office Collier County, Florida. The petition requests that the Department of Education issue a declaratory statement to address the following question:

1. Are plans for the construction of new schools, which are subject to the Florida Fire Prevention Code or referenced documents, required to be reviewed by the local fire authority? The circumstances referred to in the above question is outlined in the petition which may be obtained by writing: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Anthony Vendemia, Petitioner, Village Green at Baymeadows Two Condominium Association, Inc., Docket Number 2005007361.

Whether the association may assess the unit owners for the cost of painting the exterior of the garages attached to condominium units at Village Green at Baymeadows Two under Section 718.113(1), Florida Statutes, and the Declaratory Statement issued in Leona Toppal, Case No. DS95445.

A copy of the Petition for Declaratory Statement, Docket Number 2005007361, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, FL.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Optometry hereby gives notice that it has received a Petition for Declaratory Statement filed on June 9, 2004 by William K. Ramsay, O.D. The Petitioner seeks the Board's guidance concerning several issues relating to Section 456.062, Florida Statutes. This includes a request that the Board issue a Declaratory Statement providing guidance in terms of the Board's interpretation of the phrase "any other service, examination or treatment." Concerning "treatment," he asks whether this statutory word includes Petitioner's act of prescribing spectacles or contact lenses (including plano) or lens fitting or case management. Also included in the Petition is a request for the Board's guidance as to whether Petitioner can be required to reimburse a patient for spectacles or contact lenses purchased from another source if that purchase was "a result of" the free or discounted examination he advertised.

Copies of the petition may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The University of Florida Board of Trustees, announces that construction management services will be required for the project listed below:

Project No.: UFMP-05, Annual Campus Service Renovation and Construction Projects. Typical projects may include new construction, renovation, remodeling, reroofing and other building maintenance, equipment installation, pre-engineered metal buildings, greenhouses, pole barns, asbestos abatement, and fire code corrections. Areas requiring renovation or remodeling may include animal research or holding areas, research laboratories, classrooms, library and media centers, offices and related functions, outpatient clinics, reception and waiting areas, lobbies and corridors, atriums, courtyards and plazas, modular and pre-engineered buildings, apartments, dormitories, and associated roadways, sitework, sidewalks, and landscaping. Projects could be located on the University of Florida main campus or at UF and IFAS facilities throughout the State of Florida. The maximum per-project construction cost is \$1,000,000.

This is an open-ended contract for a period of one year with an option to renew for two additional one-year periods. Seven (7) contracts will be awarded. One (1) of the seven (7) contracts will be awarded to a "Small Business", defined as one with 15 or fewer full-time employees and a total net worth of less than \$3 million. One (1) of the seven (7) will be awarded to a "Small Emerging Business", defined as one meeting the Small Business criteria described above and having performed less than \$500,000 in construction at the University of Florida cumulatively over the past three fiscal years. One (1) of the seven (7) will be awarded to an "Emerging Business", defined

as one having performed less than \$500,000 in construction at the University of Florida cumulatively over the past three fiscal years.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed project specific Construction Manager Qualifications Supplement (CMQS) available from the website: www.facilities.ufl.edu. Proposals must not exceed 25 pages, including the CMQS, verification of category status (if applicable) and letter of application. If a Construction Management firm desires to be considered in more than one of the above-described categories, an application must be submitted for each category. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as Certified or Registered General Contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. The selected firms' minimum bonding capacity shall be \$1,000,000 per project. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firms must warrant that they will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience/ability on similar-type projects, bonding capacity, conflict resolution capabilities, record-keeping/administrative ability, critical path scheduling expertise, cost estimating and cost control abilities, quality control capability, qualifications of the firm's personnel, staff and consultants, and ability to manage and phase construction in an occupied facility. The CMQS forms, the Construction Manager Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning and Construction Division website. Finalists will be provided with a description of the final interview requirements and a copy of the standard University of Florida construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time.

Seven (7) bound copies of the required proposal must be received at the University of Florida Purchasing and Disbursement Services, to the attention of Mary Ann Whitley, Building 365, Elmore Hall, Radio Rd., P. O. Box 115250,

Gainesville, FL 32611, no later than the deadline of 3:00 p.m., local time on Friday, March 28, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

The schedule of the selection process is as follows:

Pre-bid conference (non-mandatory): March 14, 2005, 3:00 p.m., HPNP Rm. 101

Applications due: March 28, 2005, 3:00 p.m. (EST), address listed above

Shortlist meeting: April 18, 2005, 1:00 p.m. (EST), 226 Stadium

Final Interviews: April 28 – May 6, 2005, 8:00 a.m. – 5:00 p.m. (EST), 226 Stadium

Selection Deliberations/Scoring: May 9, 2005, 8:00 a.m. (EST), 226 Stadium

Further information may be obtained from the UF FP&C website, www.facilities.ufl.edu, or by contacting: Selection Committee Chairman A. Miles Albertson, Associate Director, UF Facilities Planning and Construction, Health Science Center Office, Box 100003, Room DG-23, Gainesville, FL 32610, Fax (352)392-5247, Phone (352)392-2206, e-mail: ama@ufl.edu.

NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees, announces that continuing Campus Professional Services for the Project types listed below are required in the following disciplines: seven (7) Architects, seven (7) Mechanical/Electrical/Plumbing/Fire Protection Engineers, four (4) Environmental Engineers, two (2) Structural Engineers, three (3) Civil Engineers, two (2) Surveyors, and two (2) Landscape Architects.

Project No.: UFMP-05, Annual Campus Service Renovation and Construction Projects. Typical projects may include new construction, renovation, remodeling, reroofing and other building maintenance, equipment installation, pre-engineered metal buildings, greenhouses, pole barns, asbestos abatement, and fire code corrections. Areas requiring renovation or remodeling may include animal research or holding areas, research laboratories, classrooms, library and media centers, offices and related functions, outpatient clinics, reception and waiting areas, lobbies and corridors, atriums, courtyards and plazas, modular and pre-engineered buildings, apartments, dormitories, and associated roadways, sitework, sidewalks, and landscaping. Projects could be located on the University of Florida main campus or at UF and IFAS facilities throughout the State of Florida. The maximum per-project construction cost is \$1,000,000.

These are open-ended contracts, each for a period of one year with an option to renew for two additional one-year periods. Contract discipline numbers will be as described above. In the "Architect" and "M/E/P/FP Engineer" disciplines, one (1) of the seven (7) contracts will be awarded to a "Small Business", defined as one having 10 or fewer full-time employees and one (1) of the seven (7) contracts will be awarded to a "Small

Emerging Business”, defined as one meeting the Small Business criteria described above and having performed less than \$15,000 in design fees at the University of Florida cumulatively over the past three fiscal years.

Firms desiring to provide Professional services for the above-described project shall submit a proposal including a letter of application and a completed, project-specific Professional Qualifications Supplement (PQS) available on the website: www.facilities.ufl.edu. Proposals must not exceed 25 pages, including the PQS, verification of category status (if applicable), evidence of licensure, and letter of application. All applicants must be licensed to practice their profession in the State of Florida at the time of application and proposal shall include evidence of same. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. Professional liability insurance will be required for each contracted project in the amount of \$1,000,000, and will be provided as a part of Basic Services. If a Professional firm desires to be considered in more than one of the above-described categories, a proposal must be submitted for each category. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. A PQS Instruction document, Project Fact Sheet, along with instructions for registering as an applicant are also included on the website. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Seven (7) bound copies of the required proposal must be received at the University of Florida Purchasing and Disbursement Services, to the attention of Mary Ann Whitley, Building 365, Elmore Hall, Radio Rd., P. O. Box 115250, Gainesville, FL 32611 no later than the deadline of 3:00 p.m. local time on Friday, March 28, 2005. Facsimile (FAX) or E.mailed submittals are not acceptable and will not be considered.

The schedule of the selection process is as follows:

- Pre-bid conference (non-mandatory): March 14, 2005, 1:30 p.m., HPNP Rm. 101
- Applications due: March 28, 2005, 3:00 p.m. (EST), address listed above
- Shortlist meeting: April 18, 2005, 1:00 p.m. (EST), 226 Stadium
- Final Interviews: April 28, 2005 – May 6, 2005, 8:00 a.m. – 5:00 p.m. (EST), 226 Stadium
- Selection Deliberations/Scoring: May 9, 2005, 8:00 a.m. (EST), 226 Stadium

Further information may be obtained from the UF FP&C website, www.facilities.ufl.edu, or by contacting: Selection Committee Chairman A. Miles Albertson, Associate Director, UF Facilities Planning and Construction, Health Science Center Office, Box 100003, Room DG-23, Gainesville, FL 32610, Fax (352)392-5247, Phone (352)392-2206, e-mail: ama@ufl.edu.

INVITATION TO BID

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
Facilities Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

- Bid Number: FAC62-2005
- Purchasing Agent: B.J. Lewis, Facilities
- Pre Bid: March 14, 2005 at 2:00 p.m.
- LOCATION: School of Engineering
Building B, Room 205
- Public Bid Opening: March 24, 2005 at 2:00 p.m.
FSU-Facilities
116 Mendenhall Hall, Building A
Tallahassee, Florida 32306-4150
Facilities Maintenance Purchasing
- Bid Documents: Provide construction services for the Florida A & M University / Florida State University, Engineering School Building B Room 205, Tallahassee, Florida in accordance with the Contract Documents and FSU Project Manual. The Contract Documents are dated May 22, 2003 and are issued by Hicks Nation Architects, Inc. Then engineering consultant of record is Hines Hartman Associates, Inc.
Construction services for this project include but are not limited to installation of air-cooled condensers and a packaged make-up unit, mechanical piping, electrical wiring of equipment, associated roofing work, and framing, drywall and painting work to support the mechanical installation.
- Contact Person: Kenneth Taite, Constr Project Spec
Phone: (850)644-2414

NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida Board of Trustees, a public body corporate, announces that continuing professional services for certain projects are required in the following discipline(s): Architect/Engineer.

Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$50,000 or less. The University plans on awarding three Campus Service contracts for these projects and the consultants will be available on an as-needed basis for the upcoming fiscal year, July 1-June 30. The consultants receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period.

Firms wishing to provide professional services can apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. The most recent version of the Board of Regents "Professional Qualifications Supplement" (1999) completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplies, subcontractor, or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Zak Ovardia, AIA, MRAIC, NCARB
 Director, Facilities Planning
 University of North Florida
 4567 St. Johns Bluff Road, South
 Jacksonville, Florida 32224
 (904)620-2016

Submittals must be received in the Office of Facilities Planning, JJ Daniel Hall, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, by 2:00 p.m., local time, on March 31, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

New College of Florida, announces that professional services in the discipline of architecture will be required for the project listed below:

PROJECT NUMBER: NCF-01
 PROJECT NAME: RESIDENCE HALLS
 New College of Florida
 Sarasota, Florida

ESTIMATED CONSTRUCTION BUDGET: \$19,200,000

The project consists of the design and construction of new residence hall(s), the renovation of 3 existing residence halls and the design of renovations or replacement of an existing student services building, as well as approximately 5,000 square feet of new student services facilities.

The selected firm will provide design, construction documents and construction administration services for the referenced project.

INSTRUCTIONS: Submit six (6) original bound copies of the following:

1. Letter of interest.
2. The most recent version of the New College of Florida "Professional Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
3. A copy of the applicant's current Florida Professional License renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.
 - In Article 8, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.
 - Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of New College of Florida, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and disqualified.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal if it is on the convicted vendor list for a public entity crime committed within the last 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000 in connection with this project for a period of 36 months from the date their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information and selection criteria may be obtained by contacting the Project Manager listed below.

RESPONSE DUE DATE: By 4:00 p.m., local time, March 25, 2005.

Proposals are to be sent to:

Mr. Ken Perlowski, Director, Project Manager
 Facilities Planning and Construction
 5700 N. Tamiami Trail, PHS 104
 Sarasota, FL 34243
 Phone (941)359-4690, Fax (941)359-4239
 e-mail: kperlowski@ncf.edu

Facsimile (FAX) submittals are not acceptable and will not be considered.

SHORTLIST SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

The selected firm or firms will be required to be registered with MyFloridaMarketPlace before a contract can be executed. However they will be exempt from the one percent fee.

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 1:00 p.m., local time, on March 15, 2005 for the purpose of selecting a supplier to provide Delivery Services, Food per the bid specifications for:

Delivery Services, Food
 Bid 05-962-591

The purpose and intent of this Invitation to Bid is to select a contractor that can provide a minimum of four (4) 2-1/2 ton Refrigerated Trucks capable of holding 38° for 24 hours/day, 7 days a week and a minimum of four (4) Class B Certified and Licensed Drivers working 7-8 hours per day from 6:00 a.m. to 2:00 p.m. Monday thru Friday to deliver cold lunch meals to approximately twenty (20) different Pinellas County School

(district) summer feeding sites daily per truck. Firm, net pricing will be established for the contract period as specified therein.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department
 Walter Pownall Service Center
 11111 S. Belcher Road
 Largo, FL 33773

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

CLAYTON M. WILCOX SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	NANCY BOSTOCK CHAIRMAN MARK C. LINDEMANN DIRECTOR, PURCHASING
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ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 S. Belcher Road, Largo, Florida until 2:00 p.m. local time, on March 29, 2005, for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the construction of the following per the accompanying drawings and specifications:

Roof Replacement – Bid #05-968-595
 Cypress Woods Elementary School
 4900 Cypress Woods Blvd.
 Palm Harbor, FL 34685

Provide labor and materials to install new roofing systems on Buildings 1, 3B, 3C, 3D, 4, 5 & 6 per plans and specifications. This project requires bonding.

A Pre-Bid Conference will be held at the project site on March 1, 2005 at 10:00 a.m.. ATTENDANCE IS MANDATORY.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department
 Walter Pownall Service Center
 11111 S. Belcher Road
 Largo, FL 33773

Bonding and insurance are required for this project. The Owner reserves the right to reject all bids.

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

CLAYTON M. WILCOX SUPERINTENDENT OF SCHOOLS AND EX-OFFICIO SECRETARY TO THE SCHOOL BOARD	NANCY BOSTOCK CHAIRMAN MARK C. LINDEMANN DIRECTOR, PURCHASING
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PUBLIC NOTICE

The Duval County School Board, at its December 7, 2004, regular meeting, declared a 17.38 acre, vacant tract of land as surplus property.

The property is located in the Mandarin area with frontage along Flynn Road, south of Orange Picker Road. The DCSB is currently soliciting bids for purchase of this property in accordance with applicable Florida Statutes.

Those bids will be accepted until 2:00 p.m., April 7, 2005. Requests for bid packages may be obtained by submitting a written request for a bid package to the Duval County School Board, Director of Real Property, Room 543, 1701 Prudential Drive, Jacksonville, Florida 32207.

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."

LAND AND WATER ADJUDICATORY COMMISSION

NOTICE OF REQUEST FOR QUALIFICATIONS AND PROPOSALS

District Management Services

The Board of Supervisors ("Board") of the CROSSINGS AT FLEMING ISLAND COMMUNITY DEVELOPMENT DISTRICT ("District"), a community development district ("CDD") established in accordance with Chapter 190, Florida Statutes, gives notice that it is requesting qualifications and proposals for the provision of district management services ("Proposals"). All Proposers should be experienced in the professional management of CDDs and/or other units of special purpose government in the State of Florida. Any Proposer that is a corporation or other business entity and not an individual must be registered with the Florida Department of State, Division of Corporations, authorized to do business in the State of Florida, and currently in good standing.

Interested persons and firms should submit the original and six copies of a Proposal containing the information and materials described in the Board's Request for Qualifications and Proposals no later than Monday, March 28, 2005, 5:00 p.m. Proposals in response to the Request should be submitted to:

Robert M. Bradley, Jr.
 Kopelousos & Bradley, P.A.
 1279 Kingsley Avenue, Suite 118
 Orange Park, FL 32073
 Phone: (904)269-1111
 Fax: (904)269-1115
 E-mail: rob@claylawyers.com
 Attorney for CROSSINGS AT FLEMING ISLAND
 COMMUNITY DEVELOPMENT DISTRICT

Copies of the Request for Qualifications and Proposals and additional information are available from the Attorney for the District at the address listed above.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES FOR CONSTRUCTION MANAGEMENT AT RISK REQUEST FOR QUALIFICATIONS (RFQ) – CONSTRUCTION MANAGEMENT AT RISK:

The Department of Management Services (DMS), Division of Facilities Management and Building Construction on behalf of the Department of State, Division of Historical Resources, is advertising "Construction Management at Risk" opportunities for project DOS-24012030, Reconstruction of Fort at Mission San Luis, Tallahassee, Florida with a preliminary cost estimate of \$2,000,000.00.

For details please visit the Department's website: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu click on Search Advertisements – Division of Facilities Management and Building Construction.

The award will be made in accordance with Section 287.055, F.S., and the procedures and criteria of the Department of Management Services.

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."

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

Invitation to Negotiate (ITN)

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability of an Invitation to Negotiate (ITN). Copies of the ITN can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, calling (850)488-4180, 1(800)580-7801 (Toll Free), 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future ITNs or RFPs, please visit our website (www.fddc.org) and click on the "RFPs" button near the top of the page, then click on the "sign up" button and follow the directions.

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this invitation to negotiate (ITN #2005-CL-1800) will provide a series of two day workshops on legal issues related to the developmental disabilities population for attorneys and families. The intent of the ITN is to develop a resource "pool" of attorneys throughout the state who will be able to better assist people with developmental disabilities and to further educate families about Florida's legal system.

FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this ITN. Interested parties can see ITN #2005-CL-1800 for specific information related to funding amounts.

The deadline for submitting written questions and letters of intent for this ITN is March 25, 2005 by 4:00 p.m. (EST). In order for your proposal to be considered, your letter of intent must be received by the above referenced deadline. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted. All answers to written questions will be posted on the FDDC website on or before April 8, 2005. The deadline for submitting proposals for this ITN is May 10, 2005.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-905-005
 DATE RECEIVED: February 3, 2005
 DEVELOPMENT NAME: MURDOCK VILLAGE
 DEVELOPER/AGENT: Charlotte County/
 David M. Mechanik
 DEVELOPMENT TYPE: 28-24.023, 28-24.031, F.A.C.
 LOCAL GOVERNMENT: Charlotte County

DCA Final Order No.: DCA05-OR-027

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT
 REGULATIONS ADOPTED BY MONROE
 COUNTY ORDINANCE NO. 036-2004

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On January 7, 2005, the Department received for review Monroe County Ordinance No. 036-2004 which was adopted by the Monroe County Board of County Commissioners on November 17, 2004 ("Ord. 036-2004").
3. The purpose of Ord. 036-2004 is to amend Sections 9.5-4 (E-2) Employer-owned rental housing, and 9.5-266 Affordable housing, employee housing of the Monroe County Land Development Regulations to insert a definition for employer-owned rental housing, and language establishing income eligibility requirements for the use of employer-owned rental housing.
4. Ord. 036-2004 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004).

6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2004) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 036-2004 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 036-2004 promotes and furthers the following Principles:

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

10. Ord. 036-2004 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 036-2004 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Valerie J. Hubbard, Director
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR

PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION

SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of February, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Murray Nelson
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DCA Final Order No.: DCA05-OR-030
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 05-02

IMMEDIATE FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues this Immediate Final Order, pursuant to §120.569(2)(n), §380.05(6), and §380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. Islamorada, Village of Islands ("Village") is a local government within the Florida Keys Area of Critical State Concern.

2. On February 11, 2005, the Department received for review Village Ordinance No. 05-02 that was adopted by the Village Council on February 10, 2005 ("Ord. 05-02"). Ord. 05-02 revises the Villages floodplain management regulations so as to ensure the Village's continued participation in the National Flood Insurance Program.

3. Based upon the facts stated in the Affidavit of Mayor Chris Sante, attached to this Immediate Final Order as Exhibit A and incorporated herein, the Department finds that there is an immediate danger to the public health, safety and welfare that requires the issuance of an Immediate Final Order.

4. Ord. 05-02 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §380.05(6), and §380.0552(9), Fla. Stat. (2004).

6. The Village is a local government within the Florida Keys Area of Critical State Concern. §380.0552, Fla. Stat. (2004) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. §380.031(8), Fla. Stat. (2003). The regulations adopted by Ord. 05-02 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in §380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 05-02 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

10. Ord. 05-02 is not inconsistent with the remaining Principles. Ord. 05-02 is consistent with the Principles for Guiding Development as a whole.

11. Since there is an immediate danger to the public health, safety and welfare, the approval of Ord. 05-02 shall be effective immediately. §120.569(2)(n), Fla. Stat. (2004).

WHEREFORE, IT IS ORDERED that:

A. Village Ord. 05-02 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED; and

B. This Order and Village Ord. 05-02 shall become effective immediately upon filing with the Agency Clerk. DONE AND ORDERED in Tallahassee, Florida.

/s/ _____
 Thaddeus L. Cohen, Secretary
 Department of Community Affairs

NOTICE OF RIGHTS

I. Challenges to the Immediate Effective Date:

ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS IMMEDIATE FINAL ORDER AND WHO DISPUTES THE FINDING THAT THERE IS AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE THAT REQUIRES AN IMMEDIATE FINAL ORDER MAY APPEAL THIS IMMEDIATE FINAL ORDER

ON THAT BASIS OR SEEK AN INJUNCTION TO SET ASIDE THE IMMEDIATE NATURE OF THIS ORDER PURSUANT TO SECTIONS 120.569(2)(n) AND 120.68(1), FLORIDA STATUTES.

A. TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTE.

B. TO SEEK AN INJUNCTION, A COMPLAINT MUST BE FILED WITH THE APPROPRIATE CIRCUIT COURT PURSUANT TO THE FLORIDA RULES OF CIVIL PROCEDURE. THE COMPLAINT MUST BE ACCOMPANIED WITH THE FILING FEE REQUIRED BY THE CLERK OF THE CIRCUIT COURT.

II. Challenges to All Other Issues:

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

A. IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

B. IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

C. IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

D. THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

E. A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Immediate Final Order has been filed with the undersigned Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 11th day of February, 2005.

/s/_____
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
Michael J. Marrero, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
2665 South Bayshore Drive
Miami, FL 331333

By Hand Delivery or Interagency Mail:

Rebecca Jetton, ACSC Administrator
Richard E. Shine, Assistant General Counsel

DCA Final Order No.: DCA05-OR-033
STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2005-04

IMMEDIATE FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues this Immediate Final Order, pursuant to §120.569(2)(n), §380.05(6), and §380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern.
2. On February 9, 2005, the Department received for review City of Marathon Ordinance No. 2005-04 that was adopted by the City of Marathon Board of City Commissioners on February 7, 2005 (“Ord. 2005-04”). Ord. 2005-04 revises the City’s floodplain management regulations so as to ensure the City’s continued participation in the National Flood Insurance Program.
3. Based upon the facts stated in the Affidavit of Mayor Jeffrey Pinkus, attached to this Immediate Final Order as Exhibit A and incorporated herein, the Department finds that there is an immediate danger to the public health, safety and welfare that requires the issuance of an Immediate Final Order.
4. Ord. 2005-04 is consistent with the City’s 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §380.05(6), and §380.0552(9), Fla. Stat. (2004).
6. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. §380.0552, Fla. Stat. (2004) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. “Land development regulations” include local zoning, subdivision, building and other regulations controlling the development of land. §380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 2005-04 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in §380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 2005-04 promotes and furthers the following Principles:

- (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
- (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
- (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

10. Ord. 2005-04 is not inconsistent with the remaining Principles. Ord. 2005-04 is consistent with the Principles for Guiding Development as a whole.

11. Since there is an immediate danger to the public health, safety and welfare, the approval of Ord. 2005-04 shall be effective immediately. §120.569(2)(n), Fla. Stat. (2004).

WHEREFORE, IT IS ORDERED that:

A. City of Marathon Ordinance 2005-04 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED; and

B. This Order and Marathon Ordinance 2005-04 shall become effective immediately upon filing with the Agency Clerk.

DONE AND ORDERED in Tallahassee, Florida.

 Thaddeus L. Cohen, Secretary
 Department of Community Affairs

NOTICE OF RIGHTS

I. Challenges to the Immediate Effective Date:

ANY PARTY WHO IS ADVERSELY AFFECTED BY THIS IMMEDIATE FINAL ORDER AND WHO DISPUTES THE FINDING THAT THERE IS AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE THAT REQUIRES AN IMMEDIATE FINAL ORDER MAY APPEAL THIS IMMEDIATE FINAL ORDER ON THAT BASIS OR SEEK AN INJUNCTION TO SET ASIDE THE IMMEDIATE NATURE OF THIS ORDER PURSUANT TO SECTIONS 120.569(2)(n) AND 120.68(1), FLORIDA STATUTES.

A. TO INITIATE AN APPEAL OF THIS ORDER, A NOTICE OF APPEAL MUST BE FILED WITH THE DEPARTMENT'S AGENCY CLERK, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100, WITHIN 30 DAYS OF THE DAY THIS ORDER IS PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY. THE NOTICE OF APPEAL MUST BE SUBSTANTIALLY IN THE FORM PRESCRIBED BY FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a). A COPY OF THE NOTICE OF APPEAL MUST BE FILED WITH THE APPROPRIATE DISTRICT COURT OF APPEAL AND MUST BE ACCOMPANIED BY THE FILING FEE SPECIFIED IN SECTION 35.22(3), FLORIDA STATUTES.

B. TO SEEK AN INJUNCTION, A COMPLAINT MUST BE FILED WITH THE APPROPRIATE CIRCUIT COURT PURSUANT TO THE FLORIDA RULES OF CIVIL PROCEDURE. THE COMPLAINT MUST BE ACCOMPANIED WITH THE FILING FEE REQUIRED BY THE CLERK OF THE CIRCUIT COURT.

II. Challenges to All Other Issues:

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

A. IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

B. IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

C. IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

D. THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

E. A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Immediate Final Order has been filed with the undersigned Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ____ day of February, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable John Bartus, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Cindy Ecklund, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto, Acting City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

John Herin, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Doctors Memorial Hospital, a private airport, in Taylor County, at Latitude 30° 07' 1666" and Longitude 83° 35' 565", to be owned and operated by Mr. Charles Ward, 333 N. Byron Butler Pkwy, Perry, FL 32347.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, e-mail: aviation.fdot@dot.state.fl.us, Website: http://www.dot.state.fl.us/aviation.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of Roger Holler Chevrolet Co., as a dealership for the sale of Chevrolet automobiles, from its present location at 860 West Fairbanks, Winter Park, Florida 32789, to a proposed location at 1970 Semoran Boulevard, Winter Park (Orange County), Florida 32792, on or after March 15, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Roger Holler Chevrolet Co., are dealer operator: Christopher A. Holler, 860 West Fairbanks, Winter Park, Florida 32789; principal investor(s): Christopher A. Holler, 860 West Fairbanks, Winter Park, Florida 32789; Roger W. Holler III, 860 West Fairbanks, Winter Park, Florida 32789; Roger W. Holler, Jr., 860 West Fairbanks, Winter Park, Florida 32789; Juliette E. Holler-Rogers, 860 West Fairbanks, Winter Park, Florida 32789.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: William Affeldt, Dealer Organization Manager, General Motors Corporation, Dealer Contractual Group, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED
LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the March 16, 2005 application filing date for Hospital Beds and Facilities batching cycle:

- | | |
|---|-----------------|
| County: Volusia | District: 4 |
| Date Filed: 2/14/2005 | LOI #: H0502001 |
| Facility/Project: Kindred Hospitals East, L.L.C. | |
| Applicant: Kindred Hospitals East, L.L.C. | |
| Project Description: Establish a long-term care hospital of up to 60 beds | |
| County: Hillsborough | District: 6 |
| Date Filed: 2/11/2005 | LOI #: H0502002 |
| Facility/Project: Tampa Bay Academy | |
| Applicant: Youth & Family Centered Services of Florida, Inc. | |
| Project Description: Establish an IRTF of up to 112 beds | |
| County: Hillsborough | District: 6 |
| Date Filed: 2/14/2005 | LOI #: H0502003 |
| Facility/Project: St. Joseph's Hospital, Inc. | |
| Applicant: St. Joseph's Hospital, Inc. | |
| Project Description: Establish an acute care hospital of up to 150 beds through the transfer of up to 150 acute beds from St. Joseph's Hospital | |
| County: Hillsborough | District: 6 |
| Date Filed: 2/8/2005 | LOI #: H0502004 |
| Facility/Project: Sun City Hospital, Inc. | |
| Applicant: Sun City Hospital, Inc. | |
| Project Description: Establish an acute care hospital of up to 75 beds | |
| County: Brevard | District: 7 |
| Date Filed: 2/14/2005 | LOI #: H0502005 |
| Facility/Project: Kindred Hospitals East, L.L.C. | |
| Applicant: Kindred Hospitals East, L.L.C. | |
| Project Description: Establish a long-term care hospital of up to 60 beds | |

County: Brevard District: 7
 Date Filed: 2/8/2005 LOI #: H0502006
 Facility/Project: Holmes Regional Medical Center, Inc.
 Applicant: Holmes Regional Medical Center, Inc.
 Project Description: Establish an acute care hospital of up to 100 beds

County: St. Lucie District: 9
 Date Filed: 2/14/2005 LOI #: H0502007
 Facility/Project: Martin Memorial Medical Center, Inc.
 Applicant: Martin Memorial Medical Center, Inc.
 Project Description: Establish an acute care hospital of up to 80 beds

County: Palm Beach District: 9
 Date Filed: 2/14/2005 LOI #: H0502008
 Facility/Project: Bethesda Healthcare System, Inc.
 Applicant: Bethesda Healthcare System, Inc.
 Project Description: Establish an acute care hospital of up to 80 beds through the transfer of up to 80 beds from Bethesda Memorial Hospital

County: Broward District: 10
 Date Filed: 2/10/2005 LOI #: H0502009
 Facility/Project: North Broward Hospital District
 Applicant: North Broward Hospital District
 Project Description: Establish an acute care hospital of up to 150 beds through the transfer of up to 150 beds from North Broward Hospital District's licensed beds

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after April 20, 2005, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on April 1, 2005.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On February 10, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Cindy Herzog, R.N. license number RN 2516462. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 10, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Nissa Miller, L.P.N. license number PN 1135271. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 14, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Kim Clark, L.P.N. license number PN 5163208. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 14, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Thomas Findlay, R.N. license number RN 2645622. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF FILINGS

Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 18, 2005):

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: CNL Bank, First Coast, 10739 Deerwood Park Boulevard, Suite 100, Jacksonville, Florida 32256

Correspondent: John Greeley, 255 S. Orange Avenue, Suite 800, Orlando, Florida 32801

Received: February 10, 2005

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN February 7, 2005
 and February 11, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

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5M-5.002	2/7/05	2/27/05	30/46	
5M-5.003	2/7/05	2/27/05	30/46	
5M-5.004	2/7/05	2/27/05	30/46	
5M-5.005	2/7/05	2/27/05	30/46	

DEPARTMENT OF EDUCATION

State Board of Education

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6A-4.02431	2/9/05	3/1/05	30/51	
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6A-22.008	2/9/05	3/1/05	30/51	
6A-22.009	2/9/05	3/1/05	30/51	

Commission for Independent Education

6E-3.002	2/10/05	3/2/05	30/34	
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DEPARTMENT OF CORRECTIONS

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

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Construction Industry Licensing Board

61G4-12.009	2/7/05	2/27/05	31/1	
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Board of Employee Leasing Companies

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61G7-10.003	2/9/05	3/1/05	30/39	

Board of Landscape Architecture

61G10-18.001	2/9/05	3/1/05	30/46	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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FISH AND WILDLIFE CONSERVATION COMMISSION

68-1.005	2/9/05	3/1/05	30/53	
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Freshwater Fish and Wildlife

68A-25.001	2/9/05	3/1/05	30/53	
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Marine Fisheries

68B-3.006	2/9/05	3/1/05	30/53	
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