

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Sale and Use Tax

RULE TITLES:	RULE NOS.:
Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations	12A-1.0011
Practitioners of the Healing Arts	12A-1.002
Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Drinking Water; Ice	12A-1.011
Sales of Food or Drinks Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies	12A-1.0115
Licensed Practitioners; Drugs, Medical Products and Supplies, and Prosthetic and Orthopedic Appliances	12A-1.020
Veterinary Sales and Services	12A-1.021
Sales of Containers, Wrapping and Packing Materials and Related Products	12A-1.040
Rentals, Leases, or License to Use Tangible Personal Property	12A-1.071
Public Use Forms	12A-1.097

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.0011, F.A.C. (Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations), is to include meals or other prepared food products as examples of items sold for fund raising purposes.

The purpose of the proposed repeal of Rule 12A-1.002, F.A.C. (Practitioners of the Healing Arts), is to remove provisions that will be rendered unnecessary with the adoption of the proposed changes to Rules 12A-1.020 and 12A-1.021, F.A.C.

The purpose of the proposed substantial rewording of Rule 12A-1.011, F.A.C. (Sales of Food Products for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Drinking Water, Ice), is to clarify the application of tax on the sale of food products generally sold by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business

The purpose of the proposed creation of Rule 12A-1.0115, F.A.C. (Sales of Food or Drinks Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies), is to clarify the application of tax on the sale of food products generally sold in or by restaurants, lunch

counters, cafeterias, caterers, hotels, taverns, or other like places of business and the application of tax on food products sold by establishments that provide eating facilities and make sales of food products in a manner typical of grocery stores.

The purpose of the proposed repeal of Rule 12A-1.015, F.A.C. (Industrial Gases), is to remove provisions regarding the application of tax to certain gases that are redundant of other administrative rules.

The purpose of the proposed substantial rewording of Rule 12A-1.020, F.A.C. (Licensed Practitioners; Drugs, Medical Products and Supplies, and Prosthetic and Orthopedic Appliances), is to clarify the application of tax to items sold to hospitals, physicians, dentists, and other licensed practitioners for use in their practice of medicine and the exemption for drugs, medicinal supplies, prosthetic and orthopedic appliances, and medical products and supplies that are dispensed according to individual prescriptions.

The purpose of the proposed substantial rewording of Rule 12A-1.021, F.A.C. (Veterinary Sales and Services), is to provide guidelines for items used in the practice of veterinary medicine, for the exemptions provided for substances possessing curative or remedial properties, and for medical supplies and products used in the treatment of animals.

The purpose of the proposed amendments to Rule 12A-1.040, F.A.C. (Sales of Containers, Wrapping and Packing Materials and Related Products), is to remove provisions regarding the packaging of food products that will be provided in Rules 12A-1.011 and 12A-1.0115, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-1.071, F.A.C. (Rentals, Leases, or License to Use Tangible Personal Property), is to remove provisions regarding the application of tax to water conditioning services and to sales by caterers that will be provided in Rule 12A-1.011, F.A.C., as amended, and in Rule 12A-1.0115, F.A.C., as created.

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to: (1) remove the unnecessary incorporation by reference of Form DR-46B (Examples of Nonalcoholic Preparations, Beverages and Drinks when Sold in Grocery Stores and Similar Establishments) which does not meet the definition of a "rule," as defined in s. 120.52(15), F.S.; and (2) adopt, by reference, in Rule 12A-1.097, F.A.C. (Public Use Forms), revisions to Form DR-46NT, Nontaxable Medical and General Grocery List.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed adoption of changes to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), regarding: (1) the application of tax on the sale of food products generally sold by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business; (2) the application of tax on the sale of food products generally sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business; (3) the application of tax on food products sold by establishments that

provide eating facilities and make sales of food products in a manner typical of grocery stores; (4) the application of tax to items sold to hospitals, physicians, dentists, and other licensed practitioners for use in their practice of medicine and the exemption for drugs, medicinal supplies, prosthetic and orthopedic appliances, and medical products and supplies that are dispensed according to individual prescriptions; (5) the application of tax to items used in the practice of veterinary medicine, including medical supplies and products used in the treatment of animals, and for the exemptions provided for substances possessing curative or remedial properties; and (6) the incorporation, by reference, of the revisions to Form DR-46NT, Nontaxable Medical and General Grocery List.

SPECIFIC AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2),(7) FS.

LAW IMPLEMENTED: 92.525(1)(b),(3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2),(3),(6),(16),(24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1),(2),(8),(9), 212.08, 212.0821, 212.084(3), 212.085, 212.09, 212.096, 212.11(1)-(5), 212.12(1),(2),(9),(13), 212.13, 212.14(5), 212.17, 212.18(2),(3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 402.61, 403.717, 403.718, 403.7185, 443.036, 443.121(1),(3), 443.131, 443.1315, 443.1316, 443.171(2),(7) FS.

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

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

PLACE: Room 116, Larson Building, 200 E. Gaines 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: Richard Parsons, Tax Law Specialist or Jonathan Swift, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)488-2577, e-mail: parsonsr@dor.state.fl.us or swiftj@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.0011 Schools Offering Grades K through 12; Parent-Teacher Associations; and Parent-Teacher Organizations.

(1) through (2) No change.

(3) SALES OF SCHOOL MATERIALS AND SUPPLIES AND FUND-RAISING ITEMS.

(a) through (b) No change.

(c)1. Schools offering grades K through 12 and parent-teacher associations or parent-teacher organizations whose primary purpose is to raise funds for such schools may pay tax to their suppliers on the cost price of items in lieu of registering as a dealer, obtaining a Consumer's Certificate of Exemption, or collecting tax on their sales of the following taxable items:

a. No change.

b. Items sold for fund raising purposes, such as meals or other prepared food products, candy, photographs, greeting cards, wrapping paper, and similar fund raising items.

c. through (5) No change.

Specific Authority 212.17(6), 212.18(3), 213.06(1) FS. Law Implemented 212.04(2)(a), 212.08(7)(o),(r),(nn), 212.0821 FS. History—New 6-19-01, Amended _____.

12A-1.002 Practitioners of the Healing Arts.

~~(1) All licensed practitioners of the healing arts are the consumers of the various items of tangible personal property which they use in the rendition of their professional services and the tax will apply upon their purchases of items of tangible personal property, including equipment except such items as are exempt under Rule 12A-1.020.~~

~~(2) The tax does not apply to the fees for professional services rendered by such licensed practitioners. If such licensed practitioners, apart from their professional services, are engaged in selling to the public tangible personal property subject to tax, they are dealers and must procure dealer's certificates of registration and collect the tax on all such sales.~~

~~(3) The term "practitioners of the healing arts" is deemed to include veterinarians. When purchased by veterinarians for the treatment and care of animals, medicines compounded by licensed pharmacists are exempt, as are antiseptics, absorbent cotton, gauze for bandages, lotions, vitamins and worm remedies. Drugs used in connection with medical treatment, such as penicillin, sulfa, etc., are also exempt. All instruments and equipment are fully taxable, as are dog and cat food, soaps, detergents, etc. (See Rule 12A-1.001.)~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14),(19), 212.05(1), 212.08(2),(7) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.02, Repealed _____.

(Substantial rewording of Rule 12A-1.011 follows. See Florida Administrative Code for present text.)

12A-1.011 Sales of Food Products and Drink for Human Consumption by Grocery Stores, Convenience Stores, and Supermarkets; Drinking Water; Ice Sales of Food or Drinks Served, Cooked, Prepared, or Sold by Restaurants or Other Like Places of Business.

(1) Section 212.08(1), F.S., with some specific exceptions, exempts food products for human consumption. The purpose of this rule is to clarify the application of tax on the sale of food products generally sold by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business. Rule 12A-1.0115, F.A.C., is intended to clarify the application of tax on the sale of food products generally sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business. Rule 12A-1.0115, F.A.C., is also intended to clarify the application of tax on food products sold by establishments that provide seating facilities and also make sales of food products in a manner typical of grocery stores.

(2) TAX-EXEMPT FOOD PRODUCTS.

(a) Food products for human consumption, whether processed, cooked, raw, canned, or in any other form which is generally regarded as food, are exempt. The following is a non-inclusive list of exempt food products:

1. Baby foods and baby formulas;
2. Baked goods and baking mixes, including ready-to-eat and ready-to-bake products;
3. Baking and cooking items advertised and normally sold for use in cooking or baking, such as chocolate morsels, flavored frostings, glazed or candied fruits, marshmallows, powdered sugar, or food items intended for decorating baked goods;
4. Cereals and cereal products, including ready-to-eat and instant and regular hot cereals;
5. Cheeses, including cured and whey cheese, cream, natural, grating, processed, spread, dip, and other miscellaneous cheeses;
6. Coffee and coffee substitutes;
7. Condiments and relishes, including plain seasoning sauces and spreads, such as mayonnaise, ketchup, or mustard;
8. Cocoa;
9. Dairy products;
10. Dairy substitutes;
11. Dietary supplements and meal replacements, including liquid food supplements and nutrition bars, including those that are candy-coated or chocolate-coated;
12. Eggs and egg products, including liquid, frozen, or dried eggs;
13. Fish, fresh or frozen, shellfish, and other seafood products;
14. Food coloring;

15. Frozen dinners and other frozen food products;
 16. Fruit, fruit snacks, fruit roll-ups, and dried fruit, including those sweetened with sugar or other sweeteners;
 17. Gelatins, puddings, and fillings, including flavored gelatin desserts, puddings, custards, parfaits, pie fillings, and gelatin base salads;
 18. Grain products and pastas, including macaroni and noodle products, rice and rice dishes;
 19. Honey;
 20. Ice cream, frozen yogurt, sherbet, and similar frozen dairy or nondairy products sold in units larger than one pint;
 21. Jams and jellies;
 22. Marshmallows;
 23. Meat and meat products;
 24. Meat substitutes;
 25. Milk, including natural fluid milk, homogenized milk, pasteurized milk, whole milk, chocolate milk, buttermilk, half and half, whipping cream, condensed milk, evaporated milk, powdered milk, or similar milk products, and products intended to be mixed with milk;
 26. Natural fruit or vegetable juices or their concentrates or reconstituted natural concentrated fruit juices in any form, whether frozen or unfrozen, aerated, dehydrated, powdered, granulated, sweetened or unsweetened, seasoned with salt or spice, or unseasoned. Only those juices that are permitted by federal law and regulation to be labeled "100 percent juice" or "100 percent juice with added _____ [filled in with a term such as "ingredient(s)," "preservative," or "sweetener," as appropriate]" will be considered natural fruit or vegetable juices. [Food and Drug Act, 21 U.S.C. s. 341, 343; 21 C.F.R. 101.30; 102.33; 102.5; 146.114 through 146.187; 156.3; and 156.145 (4-1-02)]
 27. Peanut butter;
 28. Poultry and poultry products;
 29. Salad dressings and dressing mixes;
 30. Salt, pepper, spices, seeds, herbs, seasonings, blends, extracts, and flavorings, whether natural or artificial;
 31. Sandwich spreads;
 32. Sauces and gravies;
 33. Snack foods, including chips, corn chips, potato chips, cheese puffs and curls, cereal bars, cracker jacks, granola bars, nuts and edible seeds, pork rinds, and pretzels, whether such products are chocolate-coated, honey-coated, or candy-coated.
 34. Soups and soup mixes;
 35. Sugar, sugar products, and sugar substitutes;
 36. Tea (including herbal tea), unless sold in a liquid form;
 37. Vegetables and vegetable products;
 38. Vegetable oils, lard, olive oil, shortenings, and oleomargarine.
- (b) The sale of food for immediate consumption, prepared off the seller's premises, is exempt when:
1. Sold in the original sealed container;

2. Sliced into smaller portions; or

3. The product is sold frozen and heated on the seller's premises by the customer.

(3) TAXABLE FOOD PRODUCTS. The exemption for food products for human consumption does not apply to any of the items specified in this subsection.

(a) Candy, chewing gum, bubble gum, breath mints, and any similar product regarded as candy or confection, based on its normal use, as indicated on the label or advertising, is subject to tax. The term "candy and similar products" does not include snack foods not regarded as candy or confection, as indicated on the label or advertising of the product.

(b) Food prepared on the seller's premises and sold for immediate consumption is subject to tax. This does not apply to food prepared off the seller's premises and sold in the original sealed container, or to the slicing of products into smaller portions.

1. Food prepared for immediate consumption is food prepared to a point generally accepted as ready to be eaten without further preparation and that is sold in a manner that suggests readiness for immediate consumption. In determining whether an item of food is sold for immediate consumption, the customary consumption practices prevailing at the selling facility shall be considered.

2. Examples:

a. Potato salad is prepared and delivered to a dealer in bulk. The dealer repackages the potato salad into smaller containers. The sale of the smaller containers is subject to tax.

b. A grocery store buys cold cuts in 5-pound packages. The grocery store slices cold cuts for the customer according to the thickness and the amount the customer desires. The food is then packaged for sale to the customer. The sale of the cold cuts is exempt from tax.

c. A grocery store grinds selected peanuts into peanut butter at the customer's request. The sale of the peanut butter is subject to tax.

d. A supermarket offers freshly popped popcorn for shoppers for sale. The sale of the popcorn is subject to tax.

e. A supermarket prepares seafood products, such as smoked fish or steamed shrimp, for sale. The sale of the smoked or steamed seafood product is subject to tax.

(c)1. Hot prepared food products, whether sold separately or in combination with other food items, when the food is heated by the seller rather than by the customer, is subject to tax.

2. Hot prepared food products are those products, items, or components that have been prepared for sale in a heated condition and sold at any temperature that is higher than the air temperature of the room or place where the products are sold. Preparation of a "hot prepared food product" includes cooking, microwaving, warming, toasting, or any other method of heating the food. Food products, including bakery products, are considered "hot prepared food products" when a heat source is

used to maintain the food product in a heated state or is used to reheat the food product. Bakery products that are sold while still warm from the initial baking are not "hot prepared food products." Their temperature is a result of the timing of the customer's purchase rather than an indication of preparation to be sold in a heated condition.

3. When a single price is charged for a combination of hot prepared food products and cold food items or other components, the single price charged for the combination is subject to tax.

4. Examples:

a. A supermarket sells barbecued chicken that is kept hot by a rotisserie to be taken home and eaten. The sale of the chicken is subject to tax.

b. A grocery store bakes bread in an oven. The bread is packaged for sale while it is still warm. A customer purchases some of the bread while it is still warm. The sale of the warm bread is not subject to tax.

c. A single price is charged for a combination of a hot meal, hot pizza, hot specialty dish, or hot sandwich, with cold components, such as a salad or fruit or other side items, by a convenience store. The single price charged for the combination is subject to tax.

(d) Sandwiches sold ready for immediate consumption, whether refrigerated or heated by the customer or by the retailer, are subject to tax. An example of a sandwich not sold ready for immediate consumption would be a frozen sandwich or a sandwich with a frozen or partially frozen filling.

(e) Meals sold for consumption on or off the premises are subject to tax.

(f) Ice cream, frozen yogurt, and similar frozen dairy or nondairy products in cones, small cups, or pints are subject to tax.

(g) Popsicles, frozen fruit bars, or other novelty items, whether sold separately or in multiple units, are subject to tax.

(4) TAXABLE SOFT DRINKS. The exemption for food products for human consumption does not apply to soft drinks. The following sales of soft drinks are subject to tax:

(a) Nonalcoholic beverages, whether carbonated or noncarbonated.

(b) Any noncarbonated beverage made from milk derivatives, such as ice cream sodas, milkshakes, or malts.

(c) Any beverages and preparations commonly referred to as a "soft drink," such as sodas, soda water, ginger ale, colas, root beer, tonic, fizzes, or cocktail mixes.

(d) Any beverage containing fruit or vegetable juice labeled with the word(s) "ade," "beverage," "cocktail," "drink," or "fruit or vegetable flavor, flavored, or flavorings." Federal law and regulations require that any beverage containing more than 0 percent juice, but less than 100 percent fruit or vegetable juice, which represents or suggests by its physical characteristics, name, labeling, ingredient statement, or advertising that it contains fruit or vegetable juice, be

labeled in a manner that is appropriate to advise the consumer that the product is less than 100 percent juice. [Food and Drug Act, 21 U.S.C. s. 341, 343; 21 C.F.R. 101.30; 102.33; 102.5; 156.3; and 156.145 (4-1-02)]. Examples of taxable beverages include: apple blend, cranberry drink, grape juice beverage, lemonade, limeade, orangeade, raspberry and cranberry flavored juice drink, fruit drink, fruit punch, diluted fruit juices, and diluted vegetable juices.

(e) Tea sold in a liquid form.

(5) WATER AND ICE.

(a) The sale of drinking water in bottles, cans, or other containers is exempt, except when carbonation or flavorings have been added.

(b) The sale of ice, including dry ice, is subject to tax, except when the ice is purchased for use as a packaging material.

(c) The sale of fluoride used in the treatment of drinking water is exempt.

(d) The sale of germicides (such as chlorine), sodium silicate, activated charcoal, and similar purification agents used in the treatment of drinking water is exempt.

(e) The charge for water conditioning services, such as water softening services, is not subject to tax. The sale of salt for use in water softeners to regenerate the minerals required for softening water is not the sale of a purification agent used in the treatment of drinking water and is subject to tax.

(6) COMPLIMENTARY AND DONATED FOOD PRODUCTS.

(a) Dealers that primarily sell food products at retail are not subject to tax on any food or drink provided without charge as a sample or for the convenience of customers, even when cooked or prepared on the dealer's premises. For example, hot coffee provided in a grocery store for shoppers is not subject to sales or use tax.

(b) Dealers that primarily sell food products at retail are not subject to tax on any item given to a customer as part of a price guarantee plan related to point-of-sale errors.

(c) Dealers that sell food products at retail are not subject to tax on any food product donated to a food bank or an organization determined to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(7) WIC VOUCHERS AND FOOD STAMPS.

(a) Food products are exempt when purchased with food stamps issued by the United States Department of Agriculture, or with Special Supplemental Food Program for Women, Infants, and Children (WIC) vouchers issued under authority of federal law.

(b) When a purchase of food products is made partly with food stamps or WIC vouchers and partly with cash or manufacturer's coupons, the food stamps or WIC vouchers will

first be used to defray the cost of the taxable food and drinks, less the value of any manufacturer's coupons, that can be purchased with the food stamps or WIC vouchers. When the food stamps or WIC vouchers are insufficient to purchase the taxable items, tax is due on the remaining sales price of taxable food and drinks.

(8)(a) The Department has prepared, for public use, a list of general grocery items in Form DR-46NT, Nontaxable Medical and General Grocery List (incorporated by reference in Rule 12A-1.097, F.A.C.). Copies of this form are available, without cost, by one or more of the following methods: 1) downloading a single form or ordering multiple copies from the Department's Internet site at www.myflorida.com/dor/forms, 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) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(b) Taxpayers who have a question regarding the taxable status or exempt status of a product may submit a written description of the product and a copy of the product label to the Department to obtain a determination of the taxability of the product. This request should be addressed to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(9) MULTIPLE ITEMS PACKAGES.

(a) When a package contains both exempt food products and taxable food products or other items (e.g., a basket of food and candy, a basket of nuts, or decorated cans or glasses filled with food items) and the tax-exempt food products are separately itemized from the taxable products or other items, no tax is due on the tax-exempt food products.

(b) When the total charge for a package containing both exempt food products and taxable food products or other items (e.g., a basket of food and candy, a basket of nuts, or decorated cans or glasses filled with food items) is a single charge, the application of tax depends upon the essential character of the complete package, as follows:

1. When the taxable item or items represent more than 25 percent of the value of the package, the total charge is subject to tax.

2. When the taxable item or items represent 25 percent or less of the value of the package, the total sale is exempt. The seller is required to pay use tax on any taxable items included in the package that were purchased tax-exempt for the purposes of resale. The cost price of any promotional items included in the package is subject to tax.

(10) ITEMS USED TO PACKAGE FOOD PRODUCTS.

(a) The purchase, use, or consumption of items and materials used one time only for packaging food products, without which delivery of the food product would be impractical, or for the convenience of the customer, is not subject to tax.

(b) For example, the following items purchased by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business and used in the manner described are not subject to tax:

1. Beverage containers when the seller of the beverage does not require a deposit to secure the return of the container;

2. Cardboard 6-pack and 12-pack lift cartons;

3. Egg cartons, egg crates, and other containers used to transport eggs to a customer;

4. Ice, dry ice, and salt that is placed directly into the shipping container for perishable food or placed into the packaging of perishable food sold at retail;

5. Oil used to line the inside of containers in which meat is packaged for shipment;

6. Paper food dividers used to separate food sections in a container;

7. Paper or plastic bags or sacks for use by customers in carrying out purchased items;

8. Skewers used by butchers and meat shops to prepare meat or seafood for sale.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), 212.07(2), 212.08(1),(4)(a)1.,(7)(oo), (pp), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, 9-28-78, 10-29-81, Formerly 12A-1.11, Amended 12-8-87, 1-2-89, 8-10-92, 6-19-01, 4-17-03,_____.

12A-1.0115 Sales of Food or Drinks Sold in or by Restaurants, Lunch Counters, Cafeterias, Caterers, Hotels, Taverns, or Other Like Places of Business and by Transportation Companies.

(1) Section 212.08(1), F.S., with some specific exceptions, exempts food products for human consumption. The purpose of this rule is to clarify the application of tax on the sale of food products generally sold in or by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, or other like places of business. This rule is also intended to clarify the application of tax on food products sold by establishments that provide eating facilities and make sales of food products in a manner typical of grocery stores. Rule 12A-1.011, F.A.C., is intended to clarify the application of tax to the sale of food products generally sold by grocery stores, convenience stores, supermarkets, bakeries, fish markets, produce markets, and other like places of business.

(2) FOOD PRODUCTS SOLD IN OR BY RESTAURANTS OR SIMILAR PLACES OF BUSINESS.

(a) The sale of food products served, prepared, or sold in or by restaurants, lunch counters, cafeterias, hotels, taverns, or other similar places of business is subject to tax.

(b) The sale of food products that are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware is subject to tax. The food products are subject to tax, even though the tables, chairs, or counters and the trays, glasses, dishes, and other tableware may be provided by a person with whom the dealer contracts to furnish, prepare, or serve the food products to others.

(c) The sale of food products that are ordinarily sold for immediate consumption on the seller's premises or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location is subject to tax. The sale of the food product remains subject to tax even when the product is sold on a "take out" or "to go" basis and is packaged or wrapped and taken away from the dealer's facility. The customary practices prevailing at the dealer's facility will be used to determine whether a food product is sold for immediate consumption at the selling facility. The premise of a caterer with respect to catered meals or beverages is the place where such meals or beverages are served.

(3) WATER. The sale of drinking water in bottles, cans, or other containers is exempt, except when carbonation or flavorings have been added.

(4) RESTAURANTS AND BAKERIES WITH SEATING FACILITIES WHICH SELL FOOD PRODUCTS.

(a)1. The sale of bakery products by bakeries, pastry shops, or similar establishments that have seating facilities is subject to tax. The sale of bakery products by such establishments is exempt only when the food is not prepared to be sold as a hot prepared food product and the food product is sold for consumption off the premises. Bakery products that are sold while still warm from the initial baking are not hot prepared food products. However, bakery products that are kept warm by a heat source used to maintain them in a heated state, or to reheat them, are subject to tax as hot prepared food products.

2. For example, a bakery establishment, with seating facilities, toasts a bagel for a customer. The sale of the bagel is subject to tax, whether the bagel is served for consumption at the establishment or sold for consumption off the premises.

3. See Rule 12A-1.011, F.A.C., for tax-exempt sales by establishments that do not have seating facilities.

(b)1. Restaurants, lunch counters, cafeterias, hotels, taverns, or other like places of business that make sales of food products must collect tax on such sales, unless the dealer accounts for the sales of food products separately from the sales of prepared foods.

2. For example, a dealer operates a restaurant and a novelty store that are connected for the ease of restaurant patrons to enter the novelty store. The novelty store sells food products that are customarily sold at grocery stores and similar establishments. The dealer accounts for sales made through the restaurant separately from sales made through the novelty

shop. Because there is a separate accounting of the novelty store sales, the sales of food products will be governed by Rule 12A-1.011, F.A.C.

(5) THEATERS, ARENAS, RINKS, STADIUMS, AND FACILITIES THAT CHARGE FOR ADMISSION. The sale of food products prepared on or off the seller's premises and sold for immediate consumption on the premises of theaters, arenas, rinks, stadiums, and facilities or places that charge an admission for entrance is subject to tax. The term "premises" will be broadly construed to include the lobby, aisle, or auditorium of a theater; the seating, aisle, or parking area of an arena, rink, or stadium; or the parking area of a drive-in or outdoor theater.

(6) VENDING MACHINES AND MOBILE VENDORS. The sale of food products through a vending machine, push cart, motor vehicle, or any other form of vehicle is subject to tax. See Rule 12A-1.044, F.A.C., for sales through vending machines.

(7) COMPLIMENTARY AND DONATED FOOD PRODUCTS.

(a) When a dealer sells two meals for the price of one meal, tax should be collected on the total amount charged.

(b) The sale of a meal ticket or coupon book to be redeemed for the purchase of food products is not subject to tax at the time of sale. When the ticket or coupon is redeemed by a customer when purchasing food products, the seller of the food products is required to collect the applicable amount of tax due on each sale, including any additional compensation received by the seller for furnishing the food product to a customer redeeming a ticket or coupon.

(c) When the seller provides customers a food product without charge after purchasing a designated number of food products, tax is due on the sales price of the food products sold. No tax is due on the item provided to the customer without charge. For example, a sandwich shop offers customers a coupon that will entitle the customer to receive a free sandwich after purchasing five sandwiches. When the customer's coupon indicates that the customer has purchased five sandwiches, the customer redeems the coupon for the free sandwich. The sandwich shop is required to collect tax on the sale, or sales, of the first five sandwiches. No tax is due on the sandwich provided, without charge, to the customer, who has purchased the required five sandwiches.

(d) A dealer whose primary business activity is serving food products or alcoholic beverages for immediate consumption is required to pay tax on the cost price of food products provided to customers without charge. Examples of items served without charge to customers are coffee, popcorn, nuts, chips, and pretzels.

(e) Dealers that sell food products at retail are not subject to use tax on any food product donated to a food bank or an organization determined to be currently exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code of 1986, as amended.

(8) FOOD PRODUCTS SOLD OR FURNISHED BY EMPLOYERS.

(a) Food products furnished free of charge to an employee, or to the owner of an establishment that provides eating facilities or the owner's family, are subject to tax only when the value of the food product is required to be reported as income to the recipient under the federal income tax law.

(b) Food products sold by restaurants, lunch counters, cafeterias, hotels, taverns, or other like places of business to employees are subject to tax, when the employee pays for the meal or the charge for the meal is deducted from the employee's wages.

(9) TRANSPORTATION COMPANIES.

(a) The sale of food products ready for immediate consumption by airlines, railroads (except Amtrak), vessels, or other transportation companies to their passengers, while within Florida, are subject to tax. A transportation company may extend a copy of its Annual Resale Certificate to the selling dealer in lieu of paying tax on the purchase of food products for purposes of resale to their passengers.

(b)1. Transportation companies, except Amtrak, are required to pay tax on their purchases of meals and food products ready for immediate consumption when:

a. The food products are delivered to the transportation company in this state, whether consumed in this state or outside this state;

b. The food products are furnished to the passengers; and

c. There is no separately itemized charge to the passenger for the food product.

2. For the partial exemption available to airlines, see Section 212.0598, F.S. For the partial exemption available to vessels engaged in interstate or foreign commerce under Section 212.08(8), F.S., see Rule 12A-1.0641, F.A.C.

(c) The purchase or sale of food products ready for immediate consumption by Amtrak, a federal instrumentality of the United States government, is not subject to tax.

(10) SALES OF FOOD PRODUCTS BY CATERERS.

(a) For purposes of this rule, the term "caterer" means any person engaged in the business of furnishing food products on the premises of the customer, or on premises supplied by the customer, including premises leased by the customer from a person other than the caterer. The term does not include employees hired directly by the customer by the hour or day to serve food products provided by the customer.

(b) The total charge made by caterers for furnishing food products is subject to tax. Any separately itemized charge for the use of dishes, silverware, glasses, chairs, tables, tablecloths, and similar items, or for the labor of furnishing the food products, whether performed by the caterer, the caterer's employees, or persons contracting with the caterer, is subject to tax.

(c) Tax applies to charges by a caterer, or any other person, for planning, designing, coordinating, or supervising an event when the charges to the customer are made in connection with the furnishing of food products at the event. Tax does not apply to charges for services unrelated to the furnishing and serving of meals and beverages, such as entertainment charges, when the charges are separately itemized to the customer on the customer's bill, invoice, statement, or other evidence of sale.

(d) Caterers may rent, lease, or purchase tangible personal property for purposes of resale tax-exempt by extending a copy of their Annual Resale Certificate to the selling dealer in lieu of paying tax when:

1. The property is rented, leased, or purchased exclusively for resale or re-rental to the caterer's customers;
2. The charge to the customer is separately itemized on the customer's bill, invoice, statement, or other evidence of sale; and
3. Tax is collected from the customer on the separately itemized charge for the rental, lease, or sale of the property.

(e) When a caterer sells food products, including any charges for serving the food products, to other caterers or event planners for the purpose of resale, the caterer may accept a copy of the purchaser's Annual Resale Certificate in lieu of collecting tax from the purchaser. The purchaser is required to collect the applicable tax from his or her customer on the sale of the food products.

(11) GRATUITIES AND OTHER FEES FOR PREPARING OR SERVING FOOD PRODUCTS.

(a) Any charge made by a dealer to a customer for gratuities, tips, or similar charges is a part of the taxable sales price of the food or drinks except when:

1. The charge is separately stated as a gratuity, tip, or other charge on the customer's receipt or other tangible evidence of sale; and
2. The dealer does not receive, either directly or indirectly, any monetary benefit from such gratuity, tip, or other similar charge. Any fee imposed by a credit card company upon the dealer is not construed as the retention of such monies by the dealer.

(b) The charge for room service made by hotels for serving meals in guests' rooms is included in the total price of the meal and is subject to tax.

(c) The charge for corkage fees and setups, such as soda and soft drinks, to patrons by restaurants, hotels, taverns, or similar places of business is subject to tax.

(d) Fees charged by a restaurant, tavern, nightclub, or other like places of business, such as a cover charge, service charge, or minimum charge, are subject to tax.

(e) The charge for the preparation of food products furnished to the customer by any person who prepares the food product for consumption on the premises of the preparer or who packages or wraps the food products to be taken away from the preparer's premises is subject to tax.

(12) FOOD PRODUCTS FURNISHED WITH LIVING OR SLEEPING ACCOMMODATIONS.

(a) Food products served or sold at community colleges, junior colleges, and other institutions of higher learning, or fraternities and sororities, are subject to tax. If a lump sum amount is charged by the institution for living or sleeping accommodations and meals, a portion of the lump sum amount must be allocated to the sale of food products to reasonably reflect the value of the food products. Tax is due on the portion that is reasonably allocated to the sale of the food products.

(b) Public lodging establishments that advertise that they provide complimentary food and drinks are not required to pay sales or use tax on food or drinks when:

1. The food or drinks are furnished as part of a packaged room rate;
2. No separate charge or specific amount is stated to the guest for such food or drinks;
3. The public lodging establishment is licensed with the Division of Hotels and Restaurants of the Department of Business and Professional Regulation; and
4. The public lodging establishment rents or leases transient accommodations that are subject to sales and use tax.

(13) MEALS SERVED AT LABOR CAMPS.

(a) Labor camps and commercially operated public housing quarters are operated to house and feed workers on a contract basis. The provisions of this subsection are intended to provide guidelines regarding the taxability of the housing and meals provided to workers under such contracts.

(b) When the contract provides for meals, and no housing is furnished under the contract, the charge for the meals is subject to tax.

(c)1. When the contract provides for housing and meals for the workers, the charge for meals is subject to tax.

2. When the contract provides for housing for the workers but the workers buy groceries and prepare their own meals, no tax is due on the prepared meals.

(d) Charges for the rental of living or sleeping or housekeeping accommodations in migrant labor camps, as defined in Section 212.03(7)(d), F.S., are exempt from tax. See Rule 12A-1.061, F.A.C., for the taxability of charges for housing in other camps and housing quarters.

(e) Workers residing in public housing quarters or labor camps may enter into agreements under which one worker is appointed to purchase groceries and prepare all food products.

The worker may be selected and directed by the group of workers or may be designated and directed by the employer. The employer may deduct from each employee's wages the pro rata share of the groceries purchased for the group or a contracted charge for the meals prepared and served by the employer's designated cook.

1. When the employees select the designated worker to purchase groceries and prepare meals, no tax is due on the amount deducted by the employer for each employee's pro rata share of the cost of the groceries purchased by the designated worker.

2. When the employer selects the worker to be the designated cook who prepares all meals, tax is due on the amount of the charge deducted from the employee's wages by the employer for the meals.

(14) HOSPITALS AND HOMES FOR THE AGED.

(a) Meals furnished to residents of homes for the aged, as defined in Section 212.08(7)(i), F.S., are exempt.

(b) Meals furnished to patients and inmates of any hospital or other institution designed and operated primarily for the care of persons who are ill, aged, infirm, mentally or physically incapacitated or for any reason dependent upon special care or attention are exempt.

(c) Meals sold and delivered as a charitable function by a nonprofit volunteer organization to handicapped, elderly, or indigent persons at their residences are exempt.

(15) FOOD PRODUCTS SOLD TO OR BY SOCIAL CLUBS.

(a) Food products sold to members of a social club, civic club, or fraternal organization that does not hold a valid Consumer's Certificate of Exemption are subject to tax. Examples of social clubs, civic clubs, or fraternal organizations are athletic clubs, country clubs, and community clubs (e.g., YMCA, YWCA, YMHA, and YWHA).

(b) Food products sold by any social club, civic club, or fraternal organization, including organizations that hold a Consumer's Certificate of Exemption, are subject to tax.

(c) Social clubs, civic clubs, and fraternal organizations that furnish food products to their members or guests without charge, such as food products served at meetings, luncheons, or dinners, are required to pay tax on the total cost of the food products furnished or served by a caterer, restaurant, or similar establishment. When club members purchase groceries and prepare the food products to serve to members and guests without charge, no tax is due on the preparation of the food products. For example, an athletic club that does not hold a valid Consumer's Certificate of Exemption purchases meals from a local restaurant to serve to athletes, without charge, at an event held by the club to honor the athletes. The athletic club is required to pay tax on the total amount charged by the restaurant. If the members of the club buy groceries and prepare the meals themselves, the club is not required to pay tax on the cost of preparing the meals.

(d) When the charges for the furnishing of meals and beverages are separate and apart from the payment of membership dues, the meals and beverages are considered to be sold. If a club or fraternal organization indicates on its dues invoices, membership billing statements, dues notices, or membership applications that a specified portion of the dues payment is attributed to the furnishing of food products, the specified portion attributed to the furnishing of food products is subject to tax.

(16) FOOD PRODUCTS SOLD OR SERVED BY NONPROFIT ORGANIZATIONS.

(a) Food products sold at barbecues, fish fries, fundraisers, and similar types of events are subject to tax, unless such sales qualify as occasional sales, as provided in Rule 12A-1.037, F.A.C. For the taxability of food products sold as fundraisers by schools offering grades K through 12, or by parent-teacher associations or parent-teacher organizations, see Rule 12A-1.0011, F.A.C.

(b) Food products are exempt when sold by a religious institution that holds a valid Consumer's Certificate of Exemption as having an established physical place for worship at which nonprofit religious services and activities are regularly conducted and carried on.

(c) When food products are furnished to patrons by a sponsoring organization as part of a fundraising event and the contribution paid by the patron to the organization bears no relationship to the cost of the food products served at the event, the sponsoring organization is required to pay the applicable tax due on the amount charged by the restaurant or caterer to the sponsoring organization. Any sponsoring organization that holds a valid Consumer's Certificate of Exemption may extend a copy of its certificate to the restaurant or caterer to purchase food products tax-exempt when the food products are used in the normal nonprofit activities of the organization.

(17) ITEMS USED TO SERVE FOOD PRODUCTS.

(a) The purchase, use, or consumption of items and materials used one time only for packaging or serving food products, without which delivery of the food product would be impractical, or for the convenience of the customer, is not subject to tax.

(b)1. The following are examples of items purchased by restaurants, lunch counters, cafeterias, caterers, hotels, taverns, and other like places of business, or by establishments that provide seating facilities and make sales of food products, and that, used in the manner described, are not subject to tax: butter chips; paper, plastic-coated or styrofoam plates, trays, or cups; paper napkins; paper tops for individual creamers; paper covers for fruit juice glasses; plastic stir sticks served with drinks; soufflé cups used one time only; hamburger and frankfurter holders; steak markers used to indicate the extent to which meat is cooked and served to the guest; straws;

toothpicks and toothpick frills used to serve food products, such as sandwiches; and wooden and plastic knives, forks, and spoons.

2. The following are examples of items purchased by such establishments that are subject to tax, as they are not intended to accompany a food product sold to a customer for which the delivery of the product would be impracticable because of the character of the food product: aluminum foil for baking and serving potatoes; burger or chicken baskets; chop holders; cloth napkins or tablecloths; doilies; guest checks; leftover bags, trays, and other containers; menus; paper mats or placemats; toilet tissue; and towels.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), 212.07(2), 212.08(1),(4)(a)1..(7)(i),(k),(m),(oo) FS. History—New _____.

12A-1.015 Industrial Gases.

The taxable status of industrial gases depends upon the use by the purchaser:

(1) When used as a fuel by dealers who repair, alter or maintain tangible personal property, gases are taxable as an overhead cost to the repairman.

(2) Gases which are immediately dissipated in manufacturing, processing or producing tangible personal property for sale, are taxable.

(3) Gases which are incorporated into a finished product by manufacturing, processing or producing tangible personal property for sale, are exempt.

(4) Gases which are sold to governmental agencies or other exempt institutions are exempt.

(5) Gases used for medical or therapeutic purposes are exempt.

Cross Reference Rules 12A-1.001(8), 12A-1.020, 12A-1.063, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), 212.05, 212.08(2),(6),(7)(o) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.15, Repealed _____.

(Substantial Rewording of Rule 12A-1.020 follows. See Florida Administrative Code for present text.)

12A-1.020 Licensed Practitioners; Drugs, Medicine and Medical Products and Supplies, and Prosthetic and Orthopedic Appliances.

(1) SCOPE.

(a) Section 212.08(2), F.S., provides an exemption for certain items used in the practice of medicine by hospitals, physicians, dentists, and other licensed practitioners. The exemption must be strictly construed and enforced. This rule is intended to clarify the application of tax to items sold to hospitals, physicians, dentists, and other licensed practitioners for use in their practice of medicine. This rule is also intended to clarify the exemption for drugs, medicinal supplies,

prosthetic and orthopedic appliances, and medical products and supplies that are dispensed according to individual prescriptions.

(b) Rule 12A-1.021, F.A.C. (Veterinary Sales and Services), is intended to provide guidance to veterinarians for items used in the practice of veterinary medicine, for the exemptions provided for substances possessing curative or remedial properties, and for medical supplies and products used in the treatment of animals.

(2) LICENSED PRACTITIONERS.

(a) For purposes of this rule, a “licensed practitioner” is any person who is duly licensed and authorized by laws of the State of Florida to administer, prescribe, or dispense, as appropriate, a drug or device for medical purposes.

(b) Hospitals and licensed practitioners are required to pay tax at the time of purchase on taxable items or services used or consumed in providing medical services. See Rule 12A-1.038, F.A.C., for tax-exempt purchases by hospitals that hold a valid Consumer’s Certificate of Exemption issued by the Department.

(3) DRUGS.

(a) The sale of drugs to or by hospitals, physicians, dentists, and other licensed practitioners in connection with medical treatment is exempt.

(b) Drugs and medicines required under federal law to be dispensed pursuant to a prescription written by a licensed practitioner are exempt from tax. Drugs and medicines dispensed in this manner are required by federal law to be labeled “Rx only” or to contain a federal warning, such as “Caution: Federal law prohibits dispensing without prescription.”

(4) COMMON HOUSEHOLD REMEDIES.

(a) Common household remedies recommended and generally sold for internal or external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings, according to a list prescribed and approved by the Department of Health and certified to the Department of Revenue, are exempt. A list of nontaxable common household remedies, which have been certified to the Department of Revenue, is provided in Form DR-46NT, Nontaxable Medical and General Grocery List (incorporated by reference in Rule 12A-1.097, F.A.C.). Copies of this form are available, without cost, by one or more of the following methods: 1) downloading a single form or ordering multiple copies from the Department’s Internet site at www.myflorida.com/dor/forms, 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) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

(b) Taxpayers who have a question regarding the taxable status or exempt status of a product may submit a written description of the product, including the product name, ingredients, and recommended uses, to the Department. This request should be addressed to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443.

(5) MEDICAL PRODUCTS AND SUPPLIES.

(a) Medical products, supplies, and devices that are dispensed according to an individual prescription written by a licensed practitioner are exempt.

(b)1. Medical products, supplies, and devices sold to healthcare entities or licensed practitioners are exempt when:

a. The medical product, supply, or device is intended for a single patient use and is not intended to be re-usable; and

b. The medical product, supply, or device is required under federal law to bear a prescription legend that reads either "RX only," or "CAUTION: Federal law restricts this device to sale by or on the order of a _____ [designation of a licensed health care practitioner authorized to use or order the use of the device]."

2. Dealers who sell medical products, supplies, or devices to healthcare entities or licensed practitioners without collecting sales tax are required to maintain documents in their records evidencing the following information:

a. The product, supply, or device sold bears the prescription legend required under federal law;

b. The product, supply, or device sold is intended for a single patient use; and

c. Sales of products, supplies, or devices are to healthcare entities or licensed practitioners.

(c) Medical products, supplies, or devices that bear the prescription legend, but are intended for more than a single patient use, are subject to tax. Devices, such as surgical instruments or medical equipment, containing the required "RX only" label that are intended for use on multiple patients are subject to tax. Consumable supplies not specifically exempt, such as gloves, surgical drapes, gowns and paper supplies, are subject to tax.

(d)1. Medical products and supplies that do not bear a prescription legend and are sold to licensed practitioners are exempt when:

a. The product or supply is used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity; and

b. A licensed practitioner temporarily or permanently incorporates the product or supply into a patient.

2. Licensed practitioners may purchase such medical products and supplies tax-exempt by extending a certificate to the selling vendor declaring that the purchased products or supplies will be temporarily or permanently incorporated into a patient or patients for the cure, mitigation, alleviation,

prevention, or treatment of injury, disease, or incapacity of a patient or patients. A suggested format of an exemption certificate follows:

EXEMPTION CERTIFICATE

MEDICAL PRODUCTS OR SUPPLIES

I, the undersigned individual, as a practitioner licensed in the State of Florida, or an authorized representative of a licensed practitioner, certify that the medical products or supplies purchased on or after _____ (date) from _____ (Selling Dealer's Business Name) are purchased for use in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of a patient or patients and will be temporarily or permanently incorporated into a patient or patients.

I understand that if I use the medical product or supply for any nonexempt purpose, I must pay tax on the purchase price of the product directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and that the facts stated herein are true and correct.

Licensed Practitioner's Name: _____

Florida License Number: _____

Licensed Practitioner's Address: _____

Name of Practitioner or Authorized Representative: _____

(Signature of Licensed Practitioner or Authorized Representative)

Title _____

Date _____

(6) CHEMICAL COMPOUNDS AND TEST KITS. The sale of chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury is exempt. Examples of tax-exempt chemical compounds and test kits are provided on Form DR-46NT, Nontaxable Medical and Grocery Items.

(7) PROSTHETIC AND ORTHOPEDIC APPLIANCES.

(a) For purposes of this rule, "prosthetic and orthopedic appliances" means any apparatus, instrument, device, or equipment used to:

1. Replace or substitute for any missing part of the body;
2. Alleviate the malfunction of any part of the body; or
3. Assist any disabled person in leading a normal life by facilitating such person's mobility.

(b) Prosthetic and orthopedic appliances that have been approved by the Department of Health are exempt, even when dispensed without a prescription. A list of tax-exempt

prosthetic and orthopedic appliances that do not require a written prescription to be sold tax-exempt is provided in Form DR-46NT, Nontaxable Medical and General Grocery List.

(c)1. Prosthetic and orthopedic appliances are exempt when sold or dispensed pursuant to an individual prescription or prescriptions written by a physician licensed under:

- a. Chapter 458, F.S., Medical Practice;
- b. Chapter 459, F.S., Osteopathic Medicine;
- c. Chapter 460, F.S., Chiropractic Medicine;
- d. Chapter 461, F.S., Podiatric Medicine;
- e. Chapter 466, F.S., Dentistry, Dental Hygiene, and Dental Laboratories.

2. When a licensed physician prescribes an item to a patient that is commonly used by the general public for general purposes, the physician must indicate on the prescription the medical use of the item, or the medical condition that will be facilitated through the use of the item, that qualifies the item as a prosthetic or orthopedic appliance.

(d) Taxpayers who have a question regarding the taxable or exempt status of a prosthetic or orthopedic appliance may submit, in writing, the name of the appliance and a description of the recommended usage to the Department of Revenue. The request should be addressed to: Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, for a determination of taxability.

(8) PRESCRIBED PARTS AND ATTACHMENTS.

(a) Parts, special attachments, special lettering, and other like items that are added to or attached to tangible personal property so that a handicapped person can use them are exempt when they are purchased by a person pursuant to an individual prescription. When purchased without an individual prescription, these items are subject to tax. For example, items installed on motor vehicles to make them adaptable for use by persons with special needs, such as special controls, purchased by a person pursuant to a written prescription are exempt; however, the motor vehicle and the standard or optional equipment available on the motor vehicle are subject to tax.

(b) If tangible personal property is sold with special controls, lettering, or devices, and the additional charge for the added features is separately stated on the sales invoice for the tangible personal property, that charge for the added features is exempt when purchased pursuant to an individual prescription. For example, for a television set sold with a closed captioned device built-in, the portion of the price attributable to the closed captioned device, if separately stated on the sales invoice and purchased by a person pursuant to a written prescription, may be deducted from the selling price before computing tax.

(9) ORTHOPEDIC OR CORRECTIVE SHOES.

(a) Orthopedic shoes made to specifications prescribed by a podiatrist, orthopedist or other physician for the purpose of treating or preventing illness or disease, or to correct physical

incapacity are exempt from tax. Example: Shoes made from a mold of a foot or shoes with special devices to straighten malformed bones are exempt.

(b) Shoes made to order for special fitting problems, such as narrow heels or extra large feet, are subject to tax.

(c) When an ordinary shoe is modified to specifications prescribed by a podiatrist, orthopedist or other physician by the insertion of a lift, a wedge, or an arch support for the purpose of treating or preventing illness or disease, or to correct physical incapacity, the charge for the ordinary shoe is subject to tax. However, any reasonable separately stated charge for the modification is exempt. If no separate charge is made for the modification, the entire charge is subject to tax.

(d) When an ordinary shoe is modified for a more comfortable fit (e.g., heel pad inserted or insole added), for improving the style, or for similar purposes, the total charge for the modification and the shoe is subject to tax.

(10) EYEGLASSES AND LENSES.

(a) Prescription eyeglasses, items incidental to prescription eyeglasses, and items that become a part of prescription eyeglasses, are exempt. Prescription eyeglasses include lenses, including contact lenses, prescribed for the correction of a patient's refractive effort, for the improvement of a patient's vision, or for protective purposes. Eyeglass frames, component parts, carrying cases and other similar items are exempt when purchased for use with prescription eyeglasses.

(b) The sale of eyeglass lens cleaning solutions, including contact lens cleaning solutions, is subject to tax.

(c) The sale of standard or stock eyeglasses, incidental items, or items that become a part of standard or stock eyeglasses, without a prescription, is subject to tax. Some examples are: frames and component parts, carrying cases, safety glasses, sunglasses, field glasses, opera glasses, and magnifying glasses.

(d) The sale of finished, semi-finished, finished stock, and semi-finished stock lenses is subject to tax. Dealers who are registered with the Department may extend a copy of the dealer's Annual Resale Certificate in lieu of paying tax on lenses that will be incorporated into eyeglasses for the purposes of resale. Persons who only make sales of prescription eyeglasses or other corrective lenses, and are not required to register as a dealer, may extend a certificate to the selling vendor certifying that the lenses will be incorporated into eyeglasses or other lenses dispensed by prescription. A suggested format of an exemption certificate follows:

EXEMPTION CERTIFICATE
STOCK LENSES

I, the undersigned, certify that the finished, semi-finished, finished stock, and semi-finished stock lenses purchased on or after ____ (date) from _____ (Selling Dealer's Business Name) are purchased for incorporation into eyeglass dispensed under a written prescription by a licensed practitioner.

I understand that if I use the stock lenses for any nonexempt purpose, I must pay tax on the purchase price of the product directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and that the facts stated herein are true and correct.

Purchaser's Name _____

Purchaser's Address _____

Name of Purchaser or Authorized Representative Title

(Signature of Purchaser or Authorized Representative)

Date _____

(e) When the purchaser of one-time items that transfer essential optical characteristics to contact lenses has paid at least \$100,000 in sales tax and discretionary sales surtax in any calendar year on such purchases, the purchaser is exempt from sales tax and surtax on purchases of such items for the remainder of that calendar year. Purchasers who hold a valid Sales and Use Tax Direct Pay Permit issued by the Department may make tax-exempt purchases of these items when:

1. The purchaser extends a copy of the direct pay permit to the selling dealer at the time of purchase in lieu of paying sales tax or discretionary sales surtax to the selling dealer; and

2. The purchaser pays to the Department each calendar year \$100,000 in sales tax and discretionary sales surtax due on purchases of one-time items that transfer essential optical characteristics to contact lenses during the calendar year.

(11) RECORDKEEPING REQUIREMENTS.

(a) Dealers must maintain copies of exemption certificates, Annual Resale Certificates, prescriptions, and any other documentation required under the provisions of this rule until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(b) Electronic storage by the selling dealer of the required certificates, prescriptions, and other documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.08(2), 212.085 FS. History—Revised 10-7-68, Amended 1-17-71, Revised 6-16-72, Amended 5-27-75, 5-10-77, 6-26-78, 2-26-79, 6-3-80, 12-31-81, 8-28-84, Formerly 12A-1.20, Amended 12-8-87, _____.

(Substantial Rewording of Rule 12A-1.021 follows. See Florida Administrative Code for present text.)

12A-1.021 Veterinary Sales and Services Prosthetic and Orthopedic Appliances.

(1) PROFESSIONAL SERVICES.

(a) Professional services, such as examinations, treatment, or vaccinations of animals rendered by veterinarians are not subject to tax.

(b) Charges for hospitalization as part of the veterinarian's treatment for a diagnosed health disorder are not subject to tax.

(c) Boarding or kennel charges are not subject to tax.

(2) ITEMS PURCHASED FOR TREATMENT.

(a) Veterinarians are required to pay tax at the time of purchase on taxable items and services used or consumed in rendering veterinary services. Some examples of taxable items used or consumed by veterinarians in their practice are: instruments, equipment, examination tables, rabies tags, identification chips, rubber gloves, disposable medical restraint collars and muzzles, diagnostic test kits, and X-ray films and developing solutions.

(b) The following items sold to licensed veterinarians are exempt from tax:

1. Antiseptics;
2. Absorbent cotton;
3. Gauze for bandages;
4. Hypodermic needles and hypodermic syringes;
5. Lotions;
6. Vitamins;
7. Worm remedies; and
8. X-ray opaques.

(c) Drugs, medicines, and medicinal supplies that bear one of the following legends required by federal law are exempt when sold to, or sold by, a veterinarian who is duly licensed and authorized by laws of the State of Florida to administer, prescribe, or dispense, as appropriate, a drug or device for medical purposes:

1. "Rx only";
2. "Caution: Federal law restricts this drug to sales by or on the order of a licensed veterinarian"; or
3. "Caution: Federal law prohibits dispensing without prescription."

(d)1. Medical products and supplies that are sold to licensed veterinarians are exempt when:

- a. The product or supply is intended for a single use and is not intended to be reusable; and

b. The medical product or supply bears one of the prescription legends required under federal law for drugs, medicines, and medicinal supplies dispensed by licensed veterinarians.

2. Dealers who sell medical products and supplies to licensed veterinarians are required to maintain documents in their records evidencing the following information:

a. The product or supply sold bears the prescription legend required under federal law;

b. The product or supply sold is intended for a single use; and

c. Sales of products or supplies are to licensed veterinarians.

(c) Medical products and supplies that bear the prescription legend, but are intended for more than a single use are subject to tax. Devices, such as surgical instruments or medical equipment, containing the required "Rx only" label that are intended for use on multiple animals are subject to tax.

(d)1. Medical products and supplies that do not bear a prescription legend and are sold to licensed veterinarians are exempt when:

a. The product or supply is used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal or animals; and

b. A licensed veterinarian temporarily or permanently incorporates the medical product or supply into an animal or animals.

2. Licensed veterinarians may purchase such medical products and supplies tax-exempt by extending a certificate to the selling vendor declaring that the purchased products or supplies will be temporarily or permanently incorporated into an animal or animals for the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal or animals. A suggested format of an exemption certificate is provided in paragraph (f).

(e)1. Commonly recognized substances possessing curative or remedial properties purchased by licensed veterinarians are exempt when:

a. The veterinarian prescribes the substance, or orders and dispenses the substance, as treatment for a diagnosed health disorder of an animal; and

b. The substance is applied to, or consumed by, animals for the alleviation of pain or the cure or prevention of sickness, disease, or suffering.

2. Examples: Transdermal medications, sprays, or powders designed to prevent or treat flea or tick infestation, and prescription or therapeutic pet foods, are exempt when they are prescribed by, or ordered and dispensed by, a licensed veterinarian as part of treatment of a diagnosed health disorder of an animal. When these items are dispensed or sold without an order or prescription issued by a licensed veterinarian, the charges for such items are subject to tax.

(f)1. Veterinarians who are registered sales tax dealers may extend a copy of their dealer's Annual Resale Certificate in lieu of paying tax on purchases of commonly recognized substances possessing curative or remedial properties and on purchases of tax-exempt medical products or supplies that do not bear the required prescription legend.

2. Veterinarians who are not required to register with the Department may extend a certificate to the selling vendor at the time of purchase declaring that the substances or medical products and supplies qualify for exemption. A suggested format of an exemption certificate to be used to buy such items tax-exempt at the time of purchase follows:

EXEMPTION CERTIFICATE
SUBSTANCES POSSESSING CURATIVE OR
REMEDIAL PROPERTIES OR MEDICAL
PRODUCTS AND SUPPLIES

I, the undersigned individual, as a veterinarian licensed in the State of Florida, or an authorized representative of a licensed veterinarian, certify that the items indicated below, purchased on or after _____ (date) from _____ (Selling Dealer's Business Name), are purchased for the exempt purpose indicated below. The option checked below applies to this purchase:

() Substances possessing curative or remedial properties that will be prescribed, ordered, or dispensed as treatment for the alleviation of pain or the cure or prevention of animal sickness, disease, or suffering.

() Medical products or supplies that will be temporarily or permanently incorporated into an animal for use in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of the animal.

I understand that if I use the medical product or supply or substance for any nonexempt purpose, I must pay tax on the purchase price of the product directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and that the facts stated herein are true and correct.

Licensed Veterinarian's Name: _____

Veterinarian's Address: _____

Veterinarian's Florida License No.: _____

Name of Veterinarian's Authorized Representative: _____

(Signature of Veterinarian or
Authorized Representative)

Title

Date _____

(3) ITEMS PURCHASED FOR RESALE.

(a) Veterinarians who sell, lease, or rent items of tangible personal property, such as pet carriers, collars, or leashes, are required to register as a dealer and collect and remit the applicable tax to the Department.

(b) As a registered dealer, the veterinarian may provide a copy of the dealer's Annual Resale Certificate to purchase taxable items of tangible personal property for resale in lieu of paying tax to the selling vendor, as provided in Rule 12A-1.039, F.A.C.

(4) RECORDKEEPING REQUIREMENTS.

(a) Veterinarians must maintain copies of records indicating the prescription or orders for and the dispensing of drugs, medicines, medical products and supplies, and substances possessing curative or remedial properties in their records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(b) Electronic storage by the veterinarian of the orders or prescriptions through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14),(19), 212.05, 212.08(2), 212.085, 212.18(3) FS. History-Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 6-9-76, 6-26-78, 12-31-81, Formerly 12A-1.21, Amended 12-8-87, _____.

12A-1.040 Sales of Containers, Wrapping and Packing Materials and Related Products.

(1) through (2) No change.

~~(3) Paper and plastic coated plates, paper napkins, paper cups, butter chips, paper tops for individual creamers, paper covers for fruit juice glasses, soufflé cups, hamburger and frankfurter holders, straws, wooden and plastic spoons and forks are exempt when sold to a purchaser for use in connection with the operation of a restaurant, drugstore, cafeteria or similar business licensed by the Division of Hotels and Restaurants of the Department of Business Regulation. Purchases by these establishments of the following items are taxable: Toothpicks, doilies, placemats, chicken baskets, burgerbaskets, guest checks, menus, paper mats, towels, toilet tissue, toothpick frills, chop holders, aluminum foil for baking and serving potatoes and leftover bags furnished by restaurants.~~

(4) through (7) renumbered (3) through (6) No change.

~~(8) Egg crates, egg cartons and other containers used for the purpose of shipping and transporting eggs to the consumer for final purchase are exempt. This rule applies to used as well as new containers.~~

~~(9) Skewers used by butchers and meat shops are exempt.~~

(10) through (13) renumbered (7) through (10) No change.

~~(14) Steak markers used to indicate the extent to which meat is cooked, such as rare, medium, etc., are removed as the meat is served. They do not become a part of the meal and are taxable under this rule.~~

~~(15) Plastic stir sticks sold to bars for one time use only and included in the price of the drink are exempt.~~

(16) through (18) renumbered (11) through (13) No change.

~~(19) Oil used to line the insides of containers in which meat is packed for sale and delivery is exempt.~~

~~(20) It has been determined that cardboard 6 pack and 12 pack lift cartons used generally by beverage bottlers and breweries are containers intended for one time use and are exempt. Cartons, boxes and containers designed and used more than one time for packaging personal property for shipment for sale are taxable, including cardboard 6 pack and 12 pack lift cartons when a deposit on the carton is required.~~

~~(14)(21) No change.~~

~~(22) Ice and salt are exempt when purchased by the seller of perishable food commodities and placed directly in the shipping container or package for shipment in either interstate or intrastate commerce.~~

Cross Reference – Rule 12A-1.029.

Specific Authority 212.17(6), 212.18(2) FS. Law Implemented 212.02(3)(b) ~~(12)(14)(e)~~ FS. History-Revised 10-7-68, 6-16-72, Formerly 12A-1.40, Amended _____.

12A-1.071 Rentals, Leases, or License to Use Tangible Personal Property.

(1) through (32) No change.

~~(33) Caterers are required to pay tax on the purchases or rentals of all dishes, tables, chairs, silver, linens, kitchen utensils, artificial palms, and other items used by them in the conduct of their business. The caterer should pay tax to his supplier and should not furnish the supplier with a resale certificate, except in those instances where he is purchasing or renting such items exclusively for rental and for which he makes a separate charge to his customer.~~

(34) through (36) renumbered (33) through (35) No change.

(38) through (47) renumbered (36) through (45) No change.

~~(37) The charge for water conditioning (soft water service) is exempt. The dealer shall pay tax on the acquisition of tanks, minerals, and other equipment used in furnishing such service, unless such materials and supplies are actually sold to the customer.~~

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(1),(4),(10)(g),(12),(14)(a),(15)(a),(16),(19), 212.04, 212.05(1)(c),(d), (f),(h),(i), 212.06(1)(a),(2)(e),(8), 212.08(7)(e),(f),(v),(y), 212.11(2),(3), 212.12(9), 212.18(2), 402.61 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 12-11-74, 12-31-81, 7-20-82, Formerly 12A-1.71, Amended 1-2-89, 10-5-92, 11-16-93, 8-15-94, 10-17-94, 3-20-96, 8-1-02, 6-12-03, 9-28-04, _____.

12A-1.097 Public Use Forms.

(1) No change.

Form Number	Title	Effective Date
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(2) through (14) No change.

(15)(a) DR-46B	Sales Tax Status of Some Nonalcoholic Preparations, Beverages and Drinks When Sold In Grocery Stores and Similar Establishments (r. 10/89)	08/92
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(b) DR-46NT	Nontaxable Medical and General Grocery List (R. _____ r. 02/92)	_____ 08/92
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(16) through (23) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4.,(7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2),(3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2),(7) F.S. Law Implemented 92.525(1)(b),(3), 95.091, 125.0104, 125.0108, 201.08(1)(a), 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2),(3),(6),(16),(24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1),(8),(9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1),(4),(5), 212.12(1),(2),(9),(13), 212.13, 212.14(5), 212.17, 212.18(2),(3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1),(3), 443.131, 443.1315, 443.1316, 443.171(2),(7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04,_____.

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 CORRECTIONS

RULE TITLES:	RULE NOS.:
Staff Development – Definitions	33-209.101
Minimum Training Requirements	33-209.102
Professional Certification and Licensure Requirements	33-209.1025
Firearms, Chemical Agents, Defensive Tactics and Restraint Devices Training	33-209.103
Training Requests and Assignments	33-209.104
Training Attendance, Performance and Conduct	33-209.105
Contracting for Training Services	33-209.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify training requirements for staff, the handling of expenses incurred for training, and the process for procurement of training services.

SUBJECT AREA TO BE ADDRESSED: Staff Training.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 110.1099, 112.061, 943.10, 943.13, 943.135, 943.16, 943.17, 943.175, 943.22, 943.25, 944.09, 944.105 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 33-209.101 follows. See Florida Administrative Code for present text.)

33-209.101 Staff Development – Definitions.

(1) “Academy” means the Florida Corrections Academy, a criminal justice training school, certified by the Criminal Justice Standards and Training Commission, within the Department of Corrections.

(2) “Academy Director” means the full-time salaried employee of the Department of Corrections who is responsible for the overall administration, management, and operation of the Florida Corrections Academies.

(3) “Advanced Training Course” means a course in the Advanced Training Program approved by the Commission, which enhances an officer’s knowledge, skills and abilities for the job performed.

(4) “Alternate Firearms” refers to firearms, other than the primary firearm, approved by the Secretary for use by a correctional officer, correctional probation officer, or correctional officer inspector while on duty.

(5) “Basic Recruit Training Program” means the Commission-approved basic recruit training programs for correctional officers, correctional probation officers, and correctional officer inspectors.

(6) “Career Development Training Course” means any course in the Career Development Training Program approved by the Commission consisting of advanced or technical training related to promotion to a higher rank or position.

(7) “Commission” refers to the Criminal Justice Standards and Training Commission, the Governor-appointed Commission within the Department of Law Enforcement, which has statewide responsibilities in the establishment, implementation and evaluation of criminal justice standards and training for all law enforcement officers, correctional officers and correctional probation officers.

(8) “Correctional Officer Basic Recruit Firearms Training Course” refers to the training course, approved by the Commission, designed to teach correctional officer trainees proper performance in the use of firearms.

(9) “Correctional Probation Officer Basic Firearms Training Course” refers to the training course approved by the Commission, designed to teach correctional probation officers proper performance in the use of firearms.

(10) “Course of Fire” refers to the standard established to demonstrate and measure proficiency with firearms.

(11) “Department training database” refers to the single, official filing system for all training attendance for employees of the Department.

(12) “Firearms Instructor” refers to an individual certified by the Commission and designated by the Department to teach Commission-approved basic recruit, advanced, and specialized firearm training courses.

(13) “Firearms Qualification” refers to the process of completing the performance test approved by the Department to measure firearms proficiency.

(14) “Firing Range” refers to a firing range certified in compliance with the standards established by the Commission for firing ranges.

(15) “In-service Training” means the training approved and required by the Bureau of Staff Development for all Department of Corrections employees and other specified personnel.

(16) “Licensure and Certification Training” means the training and education required to obtain or maintain a professional license or certificate.

(17) “Mandatory Retraining” means the training and education required by the Commission to maintain an active certification for correctional officers and correctional probation officers.

(18) “New Employee Orientation Training” means the training approved by the Bureau of Staff Development for all new Department of Corrections employees and other specified personnel to provide essential information pertaining to employment with the Department.

(19) “Pre-qualification Firearms Training” refers to the training provided by the Department to prepare for firearms qualification.

(20) “Primary Firearm” refers to the firearm approved by the Secretary for use by a correctional officer, correctional probation officer, or correctional officer inspector while on duty. The primary firearm for a correctional officer is the firearm designated by the Assistant Secretary for Institutions and approved by the Secretary. The primary firearm for a correctional probation officer is the firearm designated by the Assistant Secretary for Community Corrections and approved by the Secretary. The primary firearm for a correctional officer inspector is the firearm designated by the Inspector General and approved by the Secretary.

(21) “Range Master” refers to the Commission-certified firearms instructor who is responsible for overall operations and safety of the firing range. The range master is not included in the instructor-to-student ratio. A range master is required to meet the eligibility requirements specified by the Department and successfully complete the Department’s Range Master Training program.

(22) “Recruit” refers to a correctional officer, correctional probation officer, or correctional officer inspector enrolled or pending enrollment in a basic recruit training program who has not successfully completed all requirements for certification.

(23) “Remedial Firearms Training” refers to training provided to improve proficiency with firearms after deficiencies have been demonstrated on the job or during firearms qualification.

(24) “Salary Incentive Pay” means the salary supplement paid by the Department to correctional officers, correctional probation officers, and correctional officer inspectors after successful completion of advanced and career development courses. Correctional officers and correctional officer inspectors are also eligible for salary incentive pay after attainment of an associate degree or equivalent; or a bachelor’s degree or higher in accordance with Section 943.22, F.S.

(25) “Specialized Training Courses” means the Commission-approved courses delivered by Commission-certified training schools that demonstrate job relevance, instructional quality, and training needed at the agency level.

(26) “Training” means an organized, planned, and evaluated activity designed to achieve specific measurable learning objectives and outcomes related to job performance. Training may occur at the work site, an academy or training center, an institution of higher learning, through self-paced study or technology-based instruction, during professional meetings, through contract services, or closely supervised on-the-job learning activities. Training requires a written agenda and instruction by a teacher, instructor, mentor or supervisor. Training programs may include requirements for completion, attendance recording, and a system for recognition of completion.

(27) “Training Year” is defined as the period beginning each July 1st through June 30th of the following calendar year.

(28) “Weapons Qualification Card” means the document issued to correctional officers, correctional probation officers, correctional officer inspectors and other specified personnel that identifies the firearm(s) for which they are qualified, chemical agents and restraint devices for which they are trained, and provides Department authorization for use in the line of duty.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New 8-26-87, Formerly 33-25.001, Amended _____.

(Substantial rewording of Rule 33-209.102 follows. See Florida Administrative Code for present text.)

33-209.102 Minimum Training Requirements.

The Assistant Secretary of Research, Planning and Support Services, through the Bureau of Staff Development, is responsible for all administrative, managerial, and operational activities related to staff training. The following minimum training requirements are established for all employees of the Department, volunteers, and other staff employed by a private entity under contract to the Department:

(1) All correctional officers, correctional probation officers, and correctional officer inspectors, including correctional officers employed by a private entity under contract to the Department shall:

(a) Complete a Commission-approved basic recruit training program prior to employment in accordance with Section 943.13(9), F.S.

(b) Complete the New Employee Orientation program prior to the first job assignment.

(c) Successfully complete a minimum of 40 hours of in-service training each training year, with the first year prorated by the number of calendar quarters worked.

(2) All clerical support staff shall:

(a) Complete the New Employee Orientation program within 30 days of employment or prior to initial job assignment for employees assigned to community corrections or a correctional institution.

(b) Successfully complete a minimum of 16 hours of in-service training each training year, with the first year prorated by the number of calendar quarters worked, or

(c) Successfully complete a minimum of 40 hours of in-service training each training year, with the first year prorated by the number of calendar quarters worked, if the employee has regular or daily contact with inmates or offenders.

(3) All Department employees who are not correctional officers, correctional probation officers, correctional officer inspectors, or clerical support staff shall:

(a) Complete the New Employee Orientation program within 30 days of employment or prior to initial job assignment for employees assigned to community corrections or a correctional institution.

(b) Successfully complete a minimum of 40 hours of in-service training each training year, with the first year prorated by the number of calendar quarters worked.

(4) All part-time employees shall:

(a) Complete the New Employee Orientation program within 30 days of employment or prior to initial job assignment for employees assigned to community corrections or a correctional institution.

(b) Successfully complete in-service training each training year at an amount equal to the number of hours in their normal workweek, with the first year prorated by the number of calendar quarters worked.

(5) All regular service volunteers shall complete basic volunteer orientation prior to initial assignment.

(6) All contract employees and personnel employed by PRIDE who are not correctional officers or correctional probation officers shall successfully complete the New Employee Orientation program and in-service training in accordance with the contract governing their services with the Department.

(7) All interns and college fellows program participants shall complete the New Employee Orientation program within 30 days of acceptance by the Department or immediately upon placement in community corrections or a correctional institution.

(8) All members of Corrections Emergency Response Teams and Crisis Negotiation Teams shall successfully complete initial training and in-service training unique to their missions each training year as required by the Department. All members of Rapid Response Teams shall successfully complete in-service training unique to their mission each training year as required by the Department. This training is in addition to the in-service training requirement of 40 hours each training year.

(9) All correctional officers, inmate classification staff, and inmate programs staff assigned to institutions housing close management inmates shall receive training on suicide prevention and other mental health issues related to the care of inmates in close management status. This training shall be completed within 60 days of assignment to a close management institution and every 12th month thereafter. Successful completion of training related to the care of inmates in close management status shall be documented in the Department's training database.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09, 944.105 FS. History—New 8-26-87, Amended 7-4-88, Formerly 33-25.002, Amended

33-209.1025 Professional Certification and Licensure Requirements.

The following certification and licensure requirements govern the acquisition and maintenance of professional certificates and licenses required by law to maintain minimum employment qualifications.

(1) All Department employees who are required by law to possess an active professional license or certificate in order to perform the duties and responsibilities included in their position description are responsible for keeping the license or certificate active under the following conditions:

(a) All licensure and certification training shall be requested, processed and recorded as part of the Department's in-service training program. This includes the mandatory retraining totaling 40 hours every 4 years required of all correctional officers, correctional probation officers, and correctional officer inspectors in order to maintain active certification by the Commission.

(b) Any employee who fails to maintain an active professional license or certificate, as required by law, shall be charged with failure to maintain minimum employment qualifications and shall be removed from the occupational group if the pertinent duties and responsibilities are included in the occupational profile or removed from the position if the pertinent duties and responsibilities are included only in the position description.

(2) Any employee who desires to acquire or maintain an active professional license or certificate in an area of expertise not included in his or her occupational profile or position description shall not be authorized to participate in the licensure and certification training either at state expense, on state time as hours worked, or on administrative leave with pay, unless significant direct benefits to the Department can be demonstrated to the satisfaction of the Deputy Secretary.

Specific Authority 944.09 FS. Law Implemented 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History—New _____.

(Substantial rewording of Rule 33-209.103 follows. See Florida Administrative Code for present text.)

33-209.103 Firearms, Chemical Agents, Defensive Tactics, and Restraint Devices Training and Other Certification Requirements.

The following requirements establish prerequisite training governing the use of firearms, chemical agents, defensive tactics, and restraint devices.

(1) All correctional officer recruits shall successfully complete basic recruit firearms training with the Department's primary firearm.

(2) All correctional officers shall successfully complete initial firearm qualification and annual firearms qualification using the Department's primary firearm and any alternate firearms(s) required by their potential duties.

(a) Initial firearms qualification using the primary firearm and alternate firearm(s) shall occur prior to being assigned any duties that require the officer to carry or use the primary firearm or any alternate firearm(s).

(b) Annual firearms qualification using the primary firearm and alternate firearm(s) shall occur 12 months after initial firearms qualification and every 12th month thereafter.

1. All correctional officers shall be provided the opportunity to prepare for annual firearms qualification by participating in pre-qualification firearms training.

2. Pre-qualification firearms training shall be for a period of 4 work hours during the 30 calendar days, excluding holidays, prior to the scheduled date for annual firearms qualification, and shall not include any official qualification attempts.

3. Correctional officers who decline the opportunity to participate in pre-qualification firearms training shall endorse a written refusal of pre-qualification training.

(c) Correctional officers who fail to successfully complete initial firearms qualification or annual firearms qualification using the primary and alternate firearm(s) shall participate in remedial firearms training. Remedial firearms training will be required after the first and second failed firearms qualification attempt(s).

(d) Remedial firearms training shall be for a period of 16 work hours and shall begin as soon as possible, but no later than 10 calendar days, excluding holidays, from the date of failure, and shall not include any official qualification attempts.

(e) If needed, a second or third initial firearms qualification or annual firearms qualification attempt shall be made as soon as possible, but no later than 10 calendar days, excluding holidays, after remedial firearms training has been provided.

(f) Correctional officers who fail to successfully complete initial firearms qualification or annual firearms qualification, after remedial firearms training and three qualification attempts shall be charged with failure to maintain minimum employment qualifications and shall be removed from the correctional officer occupational group. The only exceptions are cases of temporary total disability or pregnancy complications as certified by a medical doctor, for which the qualification deadline may be extended at the discretion of the officer's warden, provided the warden determines that an extension would be in the best interest of the Department.

(g) The course of fire for initial firearms qualification and annual firearms qualification shall be established in accordance with Commission guidelines.

(h) All correctional officers who successfully complete initial firearms qualification or annual firearms qualification will be issued a weapons qualification card as documentation of successful firearms qualification and authorization to carry a firearm. This information will also be entered in the Department's training database.

(3) All correctional probation officers who elect to carry a firearm while on duty and who are authorized by the Assistant Secretary of Community Corrections, or designee, to carry a firearm while on duty shall successfully complete a Commission-approved firearms training course prior to carrying a firearm while on duty.

(4) All correctional probation officers authorized by the Assistant Secretary of Community Corrections, or designee, to carry a firearm while on duty shall successfully complete initial firearms qualification and annual firearms qualification.

(a) Initial firearms qualification shall occur during the Commission-approved firearms training course.

(b) Annual firearms qualification shall occur 12 months after initial firearms qualification and every 12th month thereafter.

1. All correctional probation officers will be provided the opportunity to prepare for annual firearms qualification by participating in pre-qualification firearms training.

2. Pre-qualification firearms training shall be for a period of 4 work hours during the 30 calendar days, excluding holidays, prior to the scheduled date for annual firearms qualification, and shall not include any official qualification attempts.

3. Correctional probation officers who decline the opportunity to participate in pre-qualification firearms training shall endorse a written refusal of pre-qualification training.

(c) Correctional probation officers who fail to successfully complete initial firearms qualification or annual firearms qualification using the specific firearm that the officer will be carrying while on duty shall participate in remedial firearms training. Remedial firearms training will be required after the first and second failed firearms qualification attempt(s) if the correctional probation officer wishes to continue the firearms qualification process.

(d) Remedial firearms training shall be for a period of 16 work hours and shall begin as soon as possible after the date of failure, and shall not include any official qualification attempts.

(e) If needed, a second or third initial firearms qualification or annual firearms qualification attempt shall be made as soon as possible after remedial firearms training has been provided.

(f) Correctional probation officers who fail to successfully complete initial firearms qualification or annual firearms qualification for any reason shall not be authorized to carry a firearm while on duty.

(g) Correctional probation officers who fail to successfully complete initial firearms qualification shall not be permitted to attempt firearms qualification for a period of twelve months. The officer will be required to re-attend and successfully complete the correctional probation officer basic firearms training course. Correctional probation officers who fail to successfully complete annual firearms qualification within one year after expiration of the weapons qualification card will be required to re-attend and successfully complete the specialized correctional probation officer basic firearms training course.

(h) The course of fire for initial firearms qualification and annual firearms qualification shall be established in accordance with Commission guidelines.

(i) All correctional probation officers who successfully complete initial firearms qualification and annual firearms qualification will be issued a weapons qualification card as documentation of successful firearms qualification. This information will also be entered in the Department's training database.

(5) Any correctional officer, correctional probation officer, or correctional officer inspector who, while on duty, demonstrates negligent, careless or unsafe handling of firearms shall be required to attend remedial firearms training.

(6) All firearms training and qualification shall be conducted by firearms instructors certified by the Commission under the supervision of a range master who is responsible for all firing range operations and safety. The range master shall be a firearms instructor certified by the Commission who has successfully completed the range master certification program and meets requirements established by the Bureau of Staff Development.

(7) All correctional officers, correctional probation officers, correctional officer inspectors and other specified personnel authorized by the Secretary to carry and use chemical agents shall successfully complete training, approved by the Bureau of Staff Development, on the deployment of chemical agents and the treatment of persons exposed to chemical agents. This training must occur prior to being issued or allowed to use chemical agents and every 12th month thereafter. The only exception is the issuance of chemical agents for training purposes. Successful completion of chemical agents training shall be documented on the weapons qualification card and entered in the Department's training database.

(8) All correctional officers and correctional probation officers shall successfully complete defensive tactics training, approved by the Bureau of Staff Development. Defensive tactics training shall occur 12 months after completion of basic recruit training and every 12th month thereafter.

(9) All correctional officers and other employees designated by the Warden to carry and use electronic immobilization devices, batons, specialty impact munitions, noise flash distraction devices, and restraint devices shall successfully complete training, approved by the Bureau of Staff Development, on the safe and proper use of these devices. This training must occur prior to being issued or allowed to use any of these devices and every 12th month thereafter. The only exception is the issuance of these devices for training purposes. Successful completion of training on the safe and proper use of these devices shall be documented in the Department's training database.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Amended 11-1-90, Formerly 33-25.003, Amended _____.

(Substantial rewording of Rule 33-209.104 follows. See Florida Administrative Code for present text.)

33-209.104 Training Requests and Assignments.

(1) To ensure compliance with all training requirements, training shall be requested or assigned in accordance with the following:

(a) All training requests by employees shall be submitted in writing to the employee's supervisor for approval. All training assignments initiated by Department authorities shall be in writing.

(b) All approved training requests and assignments shall be processed through the appropriate Staff Development professional prior to attendance.

(c) The availability of funds and relief staff as well as the relevance and suitability of the training shall be considered at all stages of review and approval of training requests and assignments.

(d) Attendance at training programs conducted by the Academy shall require final approval by the Academy Director.

(2) All correctional officers, correctional probation officers, and correctional officer inspectors who take approved training for promotion consideration, mandatory retraining, salary incentive purposes, or career development shall comply with the following conditions:

(a) Registration fees and tuition for approved advanced or specialized training courses taken for promotional consideration, mandatory retraining, or salary incentive purposes shall be paid by the Department. However, the Department shall be reimbursed by any officer who does not successfully complete approved training due to unsatisfactory performance or withdrawal for any reason other than death in the immediate family or personal illness or injury.

(b) Registration fees and tuition for career development courses shall be paid by the officer except when the officer is assigned to attend the Academy.

(c) Travel, meals, and lodging shall be paid by the officer except when the officer is assigned to attend the Academy.

(d) Training shall be attended on the officer's personal time and shall not be on state time as hours worked or administrative leave with pay except when the officer is assigned to attend the Academy.

(3) All employees who take approved training by request or assignment for professional growth and development or to comply with in-service training requirements but for reasons other than promotional consideration, mandatory retraining, salary incentive, or career development as detailed in subsection (2) above shall comply with the following conditions:

(a) Registration fees and tuition shall be paid by the Department provided the employee has been approved to attend the training on per diem or commuter status.

(b) Travel, meals, and lodging, as set forth in Section 112.061, F.S., shall be paid by the Department provided the employee has been approved to attend the training on per diem status.

(c) Approved training shall be attended on state time as hours worked.

(d) When Department resources are unavailable to support employee attendance on per diem or commuter status, the Secretary may authorize employees to attend approved training by request on state time as hours worked with the stipulation that all related expenses are the responsibility of the employee with no cost to the Department.

Specific Authority ~~20.315~~, 944.09 FS. Law Implemented ~~20.315~~, 110.1099, 112.061, 943.10, 943.13, 943.135, 943.16, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Formerly 33-25.004, Amended _____.

(Substantial rewording of Rule 33-209.105 follows. See Florida Administrative Code for present text.)

33-209.105 Training Attendance, Performance and Conduct.

All employees shall comply with rules of the Commission and Chapter 33-208, F.A.C., relating to attendance, performance, and conduct while participating in approved training.

(1) Employees selected to attend approved training shall attend all training sessions scheduled for the course or program, demonstrate professional behavior, and actively participate in the training process at all times.

(2) Employees selected to attend approved training may be granted excused absence at the discretion of the instructor, training coordinator, or Academy Director, subject to the following conditions:

(a) An employee who is absent from a training course or program for non-work related reasons shall use personal leave from the appropriate leave category to cover the absence.

(b) An employee who is absent from a training course or program shall apply to the instructor, training coordinator, or Academy Director for the opportunity to complete the instructional objectives. If the instructional objectives are not completed, the employee shall not be considered to have successfully completed the training course or program.

(c) No employee shall be considered to have successfully completed an approved training course or program if absences exceed 10 percent of the total course time.

(3) Unless a specific standard is designated by a course or program requirement, an accuracy rate of 80 percent out of a possible 100 percent shall be achieved on all examinations or performance tests in order to successfully complete each training course or program.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 944.09 FS. History--New 8-26-87, Formerly 33-25.005, Amended _____.

(Substantial rewording of Rule 33-209.106 follows. See Florida Administrative Code for present text.)

33-209.106 Contracting for Training Services.

When training resources are not available within the Department, contractual training services may be solicited under the following conditions:

(1) The Bureau of Staff Development shall be responsible for the procurement of training services and resources from external providers.

(2) The Chief of the Bureau of Staff Development shall serve as contract manager for all contractual training agreements.

Specific Authority ~~20.315~~, 944.09 FS. Law Implemented ~~20.315~~, 110.1099, 943.10, 943.13, 943.135, 943.17, 943.175, 943.22, 943.25, 944.09 FS. History—New 8-26-87, Formerly 33-25.006, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Temporary Release of Inmates for Specific Purposes

RULE NO.: 33-601.601

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for request, review and approval of temporary release of inmates for funeral attendance or deathbed visits.

SUBJECT AREA TO BE ADDRESSED: Temporary release for funeral attendance and deathbed visits.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 33-601.601 follows. See Florida Administrative Code for present text.)

33-601.601 Temporary Release of Inmates for Specific Purposes.

(1) The regional directors are the Secretary’s designees for the purpose of approving or disapproving the temporary transfer of custody of any inmate housed within their respective regions to attend a funeral or have a death bed visit.

(2) Attendance of an inmate at a funeral or a death bed visit will be made at the expense of the inmate or the inmate’s family. The Department of Corrections will incur no expense for the inmate’s transportation or attendance.

(3) Funerals and death bed visits are restricted to members of the inmate’s immediate family or to other relatives or adopted relatives who were instrumental in the raising of the inmate. An inmate may attend a funeral of or have a deathbed visit with a relative, but not both for the same relative.

(4) The family of an inmate who is not eligible for furlough or who has been denied furlough wishing to have the inmate attend a funeral or make a deathbed visit must contact the sheriff or chief of the tribal police of the county or jurisdiction in which the funeral or deathbed visit is to occur and arrange for transportation. The department will not review a request for temporary assumption of custody unless the sheriff or chief of tribal police has taken the following actions:

(a) Contacted the warden at the institution in which the inmate is housed to make arrangements for the transfer of custody;

(b) Provided written confirmation to the warden that the request of the funeral is confirmed by the attending funeral home or a qualified licensed physician validates imminent death;

(c) Provided the date, length, and place of the requested funeral or deathbed visit;

(d) Identified and authorized in writing a designee if the request is made on behalf of the sheriff or chief of tribal police and that the designee will take temporary custody of the inmate in accordance with the custody and transportation requirements set forth in this rule.

(e) A sheriff or chief of tribal police from a county or jurisdiction other than the county or jurisdiction in which the funeral or death bed visit is to occur may transport the inmate provided the sheriff or chief of tribal police from the county or jurisdiction in which the funeral or death bed visit is to occur agrees to the transport in writing. A copy of the agreement will be provided to the warden of the releasing facility.

(5) The warden will prepare for the regional director the following packet on an inmate being considered for a funeral or death bed visit and make a recommendation to the regional director:

(a) A cover memorandum which includes the request information and the warden’s recommendation.

(b) The sheriff’s or chief of tribal police’s request.

(c) The sheriff’s or chief of tribal police’s designee letter, and

(d) The written agreement for transport if not being made by the sheriff or chief of tribal police of the county or jurisdiction in which the funeral or death bed visit is to occur.

(e) Documentation pursuant to paragraph (6)(d), if the inmate is housed in a Crisis Stabilization Unit or Transitional Care Unit.

(6) The regional director will review the automated inmate record and the documentation provided by the warden to determine the inmate’s suitability for the temporary transfer of custody. An inmate under sentence of death, housed in a

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., P.L. 92-516, Section 1, Chapter 92-203, Laws of Florida. History—New 1-1-77, Amended 6-17-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven Rutz, Director, Division of Agricultural Environmental Services

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

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE CHAPTER TITLE: Permitting and Inspection Requirements for Amusement Devices and Attractions

RULE CHAPTER NO.: 5F-8

RULE TITLES:	RULE NOS.:
Bureau of Fair Rides Inspection Forms	5F-8.0012
Application For Annual Permit, USAID Number Qualified Inspectors	5F-8.002
Nondestructive Testing of Amusement Rides	5F-8.003
Request for Inspections, Reinspections	5F-8.004
Inspection Standards	5F-8.005
Inspection by Owner or Manager	5F-8.0051
Fees	5F-8.009
Training of Managers, Attendants, and Maintenance Persons	5F-8.012
Reporting of Accidents and Mechanical, Structural or Electrical Defects	5F-8.014
Exempt Nonmotorized or Human Powered Amusement Rides	5F-8.0142
	5F-8.024

PURPOSE AND EFFECT: The purpose of this proposed rule is to adopt new inspection forms for the Bureau of Fair Rides Inspection, simplify language regarding Qualified Inspectors (QI) and Professional Engineers (PE), add an exemption for a human powered amusement ride, and increase certain inspection and permit fees to capture the program costs for inspection and permitting of amusement rides. The effect of this rule will be to increase inspection revenues to conform to applicable law, Section 616.242(8), Florida Statutes, which requires that the fees charged for inspection and permitting of amusement rides must cover the program costs that are not covered by general revenue appropriations and that those fees shall be established by rule.

SUMMARY: Chapter 5F-8, F.A.C., the Department of Agriculture and Consumer Services rule regarding the inspection and permitting amusement rides.

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

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

SPECIFIC AUTHORITY: 616.165, 616.242(4)(b) FS.

LAW IMPLEMENTED: 616.165, 616.242(4)(b), 616.242(1)(p),(q), 616.242(8), 616.242(10) FS.

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

TIME AND DATE: 10:00 a.m., Tuesday, April 5, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Isadore Rommes, Assistant Director, Division of Standards, 3125 Conner Boulevard, Suite E, Tallahassee, Florida 32399-1650, (850)488-0645

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-8.0012 Bureau of Fair Rides Inspection Forms. The following forms are adopted by this reference for use by the Bureau of Fair Rides Inspection in the amusement ride inspection program.

Form Number	Revised	Title
DACS 03401	9/98	Bureau of Fair Rides Inspection Invoice
DACS 0341902	11/04 9/98	Amusement Ride Inspection Report Form
DACS 0342803	11/04 9/98	Suggested Written Accident Report
DACS 0342004	11/04 9/98	Water Park Amusement Ride Inspection Report
DACS 0342105	11/04 9/98	Go Kart Amusement Ride Inspection Report (Track)
<u>DACS 03422</u>	<u>11/04</u>	<u>Go Kart Amusement Ride Inspection Report (Vehicle)</u>
DACS 0342306	11/04 9/98	Bungy Jump Inspection Report
DACS 0342407	11/04 9/98	Owner's Daily Inspection Report (Carnival Type)
<u>DACS 03425</u>	<u>11/04</u>	<u>Owner's Daily Inspection Report (Water Park)</u>
<u>DACS 03426</u>	<u>11/04</u>	<u>Owner's Daily Inspection Report (Go Kart Track and Vehicle)</u>
<u>DACS 03427</u>	<u>11/04</u>	<u>Owner's Daily Inspection Report (Bungy)</u>
DACS 0343008	11/04 9/98	Mechanical, Structural or Electrical Defect Report

DACS 03409	9/98	Amusement Ride List for Affidavit of Annual Inspection for Exempt Facilities Inspection Report
DACS 0342910	11/04 9/98	Request for Inspection or Reinspection
DACS 03411	9/98	Amusement Ride List for Annual Permit Application
DACS 0343212	11/04 9/98	Amusement Ride Annual Permit Application
DACS 0343113	11/04 9/98	Maintenance & Operation Employee's Training Record
DACS 0343314	11/04 9/98	Affidavit of <u>Compliance and Nondestructive Testing</u>
DACS 0343415	11/04 9/98	Affidavit of Annual Inspection for Exempt Facilities
DACS 03416	9/98	Affidavit of Compliance
DACS 03417	9/98	Amusement Ride List Affidavit of Nondestructive Testing

(2) No change.

Specific Authority 616.165, 616.242(4),(5),(6),(7),(10),(11),(14),(15),(16) FS. Law Implemented 616.242 FS. History—New 2-14-99, Amended _____.

5F-8.002 Application for Annual Permit, USAID Number.

(1) The owner of an amusement ride shall make written application to the department for an annual permit for each amusement ride in accordance with Section 616.242(5), F.S., on department form DACS 0343212, Amusement Ride Annual Permit Application.

(2) The current Affidavit of Compliance required by Section 616.242(4), F.S., shall be submitted with the written application for an annual permit on department form DACS 0343316, Affidavit of Compliance and Nondestructive Testing.

(3) The current Affidavit of Nondestructive Testing required by Section 616.242(6)(a), F.S., shall be submitted with the written application for an annual permit on department form DACS 0343314, Affidavit of Compliance and Nondestructive Testing, unless the amusement ride is exempt pursuant to Section 616.242(6)(d), F.S.

(4) The request for inspection required by Section 616.242(5)(b)6., F.S., shall be submitted on department form DACS 0342910, Request for Inspection or Reinspection, with the written application for an annual permit.

(5) No change.

Specific Authority 616.165, 616.242(5) FS. Law Implemented 616.242 FS. History—New 9-15-92, Amended 2-23-94, 2-14-99, _____.

5F-8.003 Qualified Inspectors.

(1) Each person seeking to perform amusement ride inspections as a Qualified Inspector (QI) for an insurance underwriter and execute the Affidavit of Compliance ~~and or Affidavit of Nondestructive Testing~~ required for the annual permit shall provide the department the following documents and information:

(a) Written certification from an insurance company, which certification must be renewed by the insurance company every 3 years, verifying that the applicant is an employee or agent of the company and is authorized to act as a qualified inspector for that insurance company, which is insuring the amusement ride; and

(b) Information which will ~~Written references~~ verifying employment dates, together with names and addresses of employers for such period of time as will demonstrate the required experience in the amusement ride field; at least two years of which were involved in actual ride inspection with an amusement ride manufacturer, government agency, park, carnival or insurance company; and

(c) through (d) No change.

(e) When a Qualified Inspector ~~If the applicant~~ possesses the requisite qualifications the department will provide the applicant a qualified inspector number letter ~~letter~~ designating that person as a qualified inspector for the purpose of executing the Affidavit of Compliance and ~~Affidavit of Nondestructive Testing~~ required for the annual permit. ~~The and will assign a qualified inspector number which shall be used when executing the required affidavits. The letter of authorization and qualified inspector number issued by the department to a qualified inspector shall be valid for up to one year, so long as if the applicant continuously~~ shall be used when executing the required affidavits. The letter of authorization and qualified inspector number issued by the department to a qualified inspector shall be valid for up to one year, so long as if the applicant continuously possesses the qualifications required by Section 616.242(1), F.S.

(f) through (g) No change.

(2) Each person seeking authorization to perform amusement ride inspection as a Professional Engineer (PE) and execute the Affidavit of Compliance and or Affidavit of Nondestructive Testing required for the Annual Permit shall submit to the department a copy of his or her professional engineer's license issued by the Department of Business and Professional Regulation of the State of Florida or the equivalent licensing body in another state. Upon receipt of proof of current licensure the department will acknowledge receipt of that license in writing, provide the applicant a letter of authorization to act as a qualified inspector, and will assign a qualified inspector number which shall be used when executing any required affidavit, for the purpose of A PE shall use their professional engineer's license number when ~~execute the Affidavit of Compliance and Affidavit of Nondestructive Testing required for the annual permit. The authorization to execute the Affidavit of Compliance and Nondestructive Testing letter of authorization and qualified inspector number shall remain valid for up to one year, unless the QI or PE ceases to possess the qualifications required by law or until expiration of the professional engineer's license and may be renewed upon presentation of the new professional engineer's license.~~

(3) When a QI qualified inspector ~~or PE no longer ceases to possess~~ the qualifications required by Section 616.242(1), F.S., ~~the letter of authorization from the department shall be~~

~~void, and~~ that person shall immediately notify the department, and shall cease to act as a qualified inspector ~~and surrender the letter of authorization back to the department.~~

Specific Authority 616.165, 616.242(3)(q),(5) FS. Law Implemented 616.242 FS. History—New 9-15-92, Amended 2-23-94, 2-14-99, 10-10-01,_____.

5F-8.004 Nondestructive Testing of Amusement Rides.

(1) Nondestructive testing of amusement rides shall be conducted in accordance with the requirements of Section 616.242(6), F.S., and shall be reported to the department for each amusement ride by the Qualified Inspector or PE on department form DACS 0343314, Affidavit of Compliance and Nondestructive Testing.

(2) No change.

Specific Authority 616.165, 616.242(4),(6) FS. Law Implemented 616.242 FS. History—New 9-15-92, Amended 9-21-93, 2-23-94, 2-14-99,_____.

5F-8.005 Request for Inspections, Reinspections.

(1) All requests for inspection or reinspection by the department shall be submitted to the Bureau of Fair Rides Inspection, in writing, at the Bureau’s main office, identified at subsection 5F-8.0012(2), F.A.C., on department form DACS 0342910, Request for Inspection or Reinspection, in accordance with the requirements of Section 616.242(7), F.S. All requests for inspection or reinspection will be scheduled in the order received.

(2) through (9) No change.

Specific Authority 616.165, 616.242(7) FS. Law Implemented 616.241, 616.242 FS. History—New 9-15-92, Amended 2-23-94, 2-14-99, 11-4-02,_____.

5F-8.0051 Inspection Standards.

All amusement ride inspections shall be recorded by the inspector and reported to the department on the applicable department form: DACS 0341902 – Amusement Ride Inspection Report; DACS 0342004 – Water Park Amusement Ride Inspection Report; DACS 0342105 – Go Kart Amusement Ride ~~Track~~ Inspection Report (Track); DACS 03421 Go Kart Amusement Ride Inspection Report (Vehicle); DACS 0342306 – Bungy Jump Inspection Report.

Specific Authority 616.165, 616.242(11) FS. Law Implemented 616.242 FS. History—New 9-21-93, Amended 2-23-94, 2-14-99,_____.

5F-8.009 Inspections by Owner or Manager.

Prior to opening on each day of operation and prior to any inspection by the department the owner or manager of each amusement ride shall inspect the amusement ride in accordance with the requirements of Section 616.242(15), F.S., and record the inspection on the applicable department form DACS 0342407, Owner’s Daily Inspection Report (Carnival Type); DACS 03425, Owner’s Daily Inspection Report (Water Park); DACS 03426, Owner’s Daily Inspection Report (Go Kart Track and Vehicle); DACS 03427 Owner’s Daily Inspection Report (Bungy).

Specific Authority 616.165, 616.242(15) FS. Law Implemented 616.242 FS. History—New 9-15-92, Amended 2-23-94, 2-14-99,_____.

5F-8.012 Fees.

The following fees are adopted.

- (1) Annual Permit for any amusement ride: \$4300.00
- (2) Annual Permit for any Bungy jump: \$500.00
- (3) Inspection fee for each inspection of a kiddie amusement ride: \$35.00
- (4) Inspection fee for each inspection of a non kiddie amusement ride: \$70.00
- (5) Inspection fee for each inspection of a super amusement ride: \$140.00
- (6) Inspection fee per go kart, in addition to the track inspection fee: \$75.00
- (7) Reinspection Fee: \$5400.00
- (8) Fee to replace lost U.S. Amusement Identification (USAID) plate: \$100.00
- (9) Fee per amusement ride for late inspection request: \$100.00
- (10) Fee per amusement ride for failure to cancel inspection request: \$100.00
- (11) Additional Fee per amusement ride for inspection on weekend or state holiday: \$750.00

Specific Authority 616.165, 616.242(7),(8),(13) FS. Law Implemented 616.242(8) FS. History—New 9-15-92, Amended 2-23-94, 5-27-96, 9-23-97, 2-14-99, 3-21-00, 12-4-00, 1-22-02,_____.

5F-8.014 Training of Managers, Attendants, and Maintenance Persons.

The owner or manager shall maintain the record of employee training required by Section 616.242(16), F.S., on department Form DACS 0343113, ~~Maintenance & Operation~~ Employee’s Training Record.

Specific Authority 616.165, 616.242(16) FS. Law Implemented 616.242 FS. History—New 7-31-94, Amended 2-14-99,_____.

5F-8.0142 Reporting of Accidents and Mechanical, Structural or Electrical Defects.

(1) Accidents shall be reported to the department in accordance with Section 616.242(14), F.S. Accidents ~~shall may~~ be reported in writing on department form DACS 0342803, ~~Suggested~~ Written Accident Report.

(2) Mechanical, Structural or Electrical defects shall be reported to the department, in writing, in accordance with Section 616.242(14), F.S., on department form DACS 0343008, Mechanical, Structural or Electrical Defect Report.

Specific Authority 616.165, 616.242(4)(b) FS. Law Implemented 616.242(14) FS. History—New 2-14-99, Amended _____.

5F-8.024 Exempt Nonmotorized or Human Powered Amusement Rides.

The following amusement rides, and those of comparable construction or function, are exempt from permitting and inspection by the Department pursuant to Section 616.242(10)(b), F.S., because they are nonmotorized or human powered.

(1) through (6) No change.

(7) Outdoor Maze or other comparable locale where the patron passes through a network of passages, without mechanical assistance, attempting to navigate through the area. The area is not covered or enclosed, except for the vegetation or other material used to define the passages within the maze.

Specific Authority 616.165, 616.242(4)(b),(10)(b) FS. Law Implemented 616.242 FS. History—New 10-10-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Isadore Rommes, Assistant Director, Division of Standards, 3125 Conner Boulevard, Suite E, Tallahassee, Florida 32399-1650, (850)488-0645

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers Director, Division of Standards, 3125 Conner Boulevard, Suite E, Tallahassee, Florida 32399-1650, (850)488-0645

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005, Vol. 31, No. 4

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Fair Consumer Practices RULE NO.: 6E-1.0032

PURPOSE AND EFFECT: The Commission proposes the rule amendment to clarify admission standards and add guidance for licensees regarding special requirements or limitations of students.

SUMMARY: The proposed rule amendment adds guidance for licensees regarding special requirements or limitations of students and clarifies the admission standards.

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

LAW IMPLEMENTED: 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-1.0032 Fair Consumer Practices.

(1) through (5) No change.

(6) Each prospective student shall be provided a written copy, or shall have access to an electronic copy, of the institution’s catalog prior to enrollment or the collection of any tuition, fees, or other charges. The catalog shall contain the following required disclosures, and catalogs of licensed institutions must also contain the information required in subsections 6E-2.004(11) and (12), F.A.C.:

(a) through (f) No change.

(g) Admissions: The institution shall disclose its method of assessing a student’s ability to ~~complete~~ complete the course of study for which he or she has applied. The requirements for admission (~~such as high school diploma, general equivalency diploma, or its equivalent~~) and for graduation shall be disclosed. If the practice of a career has special requirements or limitations, such as certain physical or language capabilities or lack of a criminal record, such requirements or limitations shall be disclosed to prospective students interested in training for that career.

(h) through (k) No change.

(7) through (9) No change.

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.22(1)(k), 1005.31(13), 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 20, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Trust Fund
 RULE NO.: 33-203.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to shorten the time period in inmate requests for special withdrawals will be processed.

SUMMARY: The proposed rule changes the time frame for transfer of funds after submission of a special withdrawal request from 30 days to 10 days.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.516, 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.215 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:

33-203.201 Inmate Trust Fund.

(1) through (2) No change.

(3)(a) Inmates with sufficient balances in their individual Inmate Trust Fund accounts shall be allowed to spend an amount set by the Secretary not to exceed \$100 a week at the institution's canteen for personal use. Inmates on work release with sufficient balances in their individual Inmate Trust Fund accounts shall be allowed to request a weekly draw set by the Secretary not to exceed \$100 to be expended for personal use. In order to request an expenditure of funds in excess of the authorized canteen limit or weekly draw, the inmate shall complete Form DC2-304, Inmate Trust Fund Special Withdrawal. Form DC2-304 is hereby incorporated by reference. This form may be obtained from any institution or facility or from the Bureau of Finance and Accounting, Inmate Trust Fund Section, 1711 Mahan Drive, Tallahassee, Florida 32308 or from the Forms Control Administrator, Office of Planning, Research and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is July 13, 2003. ~~If the inmate's identity is verified by designated institution or facility staff, these funds shall be paid to the inmate or his~~

~~designated payee within 30 days after receipt of the written request for withdrawal. This maximum time limitation shall not delay the weekly canteen limit or draw process which is usually accomplished in a shorter period of time. If the withdrawal is for the purpose of making a deposit to a savings or similar interest bearing account in the inmate's name, the check drawn upon the inmate trust fund shall be made payable to the savings institution which has been chosen by the inmate, with the inmate as a reference, and shall be mailed to the savings institution. If an inmate requests a copy of a cancelled check or requests to stop payment on a check, the inmate shall be responsible for the fees charged to process these transactions. Requests for special withdrawals submitted without the required signatures or on other than the approved form will be returned to the inmate without processing. Inmates wishing to send funds to inmates at other institutions must obtain approval from the wardens at both institutions.~~

(b) With regard to the transfer or payment of funds from inmate trust accounts as identified in paragraphs (2)(d) and (3)(a), the Department will make every reasonable effort to transfer said funds within 10 days of the Department's receipt of an inmate's written request via Form DC2-304, Inmate Trust Fund Special Withdrawal.

(4) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Millie Seay

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Determination of Credit When Inmate is Released in Error
 RULE NO.: 33-601.604

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to describe when it is necessary to conduct a hearing concerning award of out-time credit.

SUMMARY: The proposed rule provides that a hearing is not necessary if a review of the facts reveals that there is no indication that the inmate reasonably should have known that the release was in error or before completion of sentence. The credit will be awarded to the inmate without a hearing in such cases.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.275 FS.

LAW IMPLEMENTED: 944.09, 944.275 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:

33-601.604 Determination of Credit When Inmate is Released in Error.

(1) When an inmate is released in error prior to satisfaction of the sentence, the facts surrounding the release will be collected by the Bureau of Sentence Structure and Transportation and provided to the Bureau of Classification and Central Records.

(2) A preliminary determination will be made as to where the error occurred. If it is clear that an error was made on the part of the state, and there is no indication that the inmate reasonably should have known that the release was in error or before completion of sentence, the out time will be awarded without the need for hearing. The inmate will be interviewed by the classification staff to obtain the inmate's version of the release.

(3) If it appears the inmate reasonably should have known that the release was in error or before completion of sentence, a fact finding due process hearing will be held to determine if the inmate is due credit for the time out of custody.

(a) Credit will be applied if it is determined that the release involved no fault of the inmate.

(b) Credit will not be applied if it is determined that the inmate was aware of the error and made no attempt to notify the releasing authority.

(4) Credit will not be applied if the release in error was by another state's or federal jurisdiction.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275 FS. History—New 7-11-00, Amended.

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: February 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Visiting Schedule
 RULE NO.: 33-601.722

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the scheduling of visits on state holidays.

SUMMARY: The proposed rule provides for regular visiting on specified state holidays, and for the scheduling of visits when the holiday falls on a weekend.

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:

33-601.722 Visiting Schedule.

(1) Regular visitors shall be allowed to visit between 9:00 a.m. and 3:00 p.m. Eastern Standard Time (EST) – 8:00 a.m. and 2:00 p.m. Central Standard Time CST each Saturday and Sunday.

(a) through (b) No change.

(c) Regular visiting shall occur on when the following holidays: ~~of July Fourth,~~

1. New Year's Day;

2. Birthday of Martin Luther King, Jr., third Monday in January;

3. Memorial Day;

4. Independence Day;

5. Labor Day;

6. Veteran's Day, November 11;

7. Thanksgiving Day; and

8. Friday after Thanksgiving;

9. Christmas Day fall on a weekday.

(d) If any of the holidays listed in paragraph (c) above falls on Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on Sunday, the following Monday shall be observed as a holiday.

(2) through (3) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Formerly 33-601.708, Amended _____.

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 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Mangement and Control

RULE TITLES:	RULE NOS.:
Purpose	59B-15.001
Definitions	59B-15.002
Exclusions	59B-15.003
Reporting Requirements	59B-15.004
Hospital Contact Information	59B-15.005
Certification	59B-15.006
Administrative Penalties	59B-15.007

PURPOSE AND EFFECT: The proposed rules require hospitals to report Surgical Infection Prevention (SIP) Measures to the Agency for Health Care Administration (Agency) for purposes of consumer information.

SUMMARY: The proposed rules require that hospitals report Surgical Infection Prevention (SIP) Measures to the Agency quarterly in a uniform electronic format and submit a certification that the Surgical Infection Prevention (SIP) Measures are true and accurate using a form incorporated by reference. The proposed rules require that hospitals use an Agency approved methodology to determine the Surgical Infection Prevention (SIP) Measures reported. The proposed rules state that failure to report in whole or in part is subject to administrative penalties per Florida Statutes unless an extension is requested by the hospital and granted by the Agency as provided in the proposed rules.

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

SPECIFIC AUTHORITY: 408.061(1)(a),(2), 408.08(2),(5), 408.15(11) FS.

LAW IMPLEMENTED: 408.05(3)(1)1. FS.

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

TIME AND DATE: 10:00 a.m., April 4, 2005

PLACE: Agency for Health Care Administration, Building 3, Conference Room A, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Rawlins, Bureau Chief, State Center for Health Statistics, 2727 Mahan Drive, Mail Stop #16, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59B-15.001 Purpose.

The rules in this section describe the requirements for reporting Surgical Infection Prevention (SIP) Measures to the Agency for Health Care Administration (Agency) for the purpose of providing comparative information to consumers.

Specific Authority 408.061(1)(a),(2) FS. Law Implemented 408.05(3)(1)1. FS. History—New _____.

59B-15.002 Definitions.

(1) “Hospital” means an entity that is licensed per Section 395.002(13), Florida Statutes.

(2) “Reporting period” means a calendar quarter.

(3) “Eligible patient” means a selected surgical patient 18 years of age or older with no prior evidence of infection as specified by the Center for Medicare and Medicaid Services (CMS) in the Specifications Manual for National Hospital Quality Measures available on the CMS website at: www.cms.hhs.gov/quality/hospital.

Specific Authority 408.061(1)(a),(2) FS. Law Implemented 408.05(3)(1)1. FS. History—New _____.

59B-15.003 Exclusions.

(1) State-operated hospitals.

(2) Psychiatric hospitals with no licensed acute care beds other than licensed psychiatric or substance abuse beds.

(3) Specialty rehabilitation hospitals as defined in subparagraph 59A-3.252(1)(c)2., F.A.C.

(4) Intensive Residential Treatment Programs for Children and Adolescents as defined in paragraph 59A-3.252(1)(d), F.A.C.

Specific Authority 408.061(1)(a),(2) FS. Law Implemented 408.05(3)(1)1. FS. History—New _____.

59B-15.004 Reporting Requirements.

(1) Hospitals shall report Surgical Infection Prevention (SIP) measures to the Agency for Health Care Administration (Agency) quarterly due on or before December 1, 2005 for the period April 1 through June 30, 2005. Thereafter, data shall be reported for each calendar quarter due 150 calendar days following the end of the quarter.

(2) Hospitals shall report the following measures for all eligible patients regardless of type of payer:

(a) Prophylactic antibiotic received within 1 hour prior to surgical incision;

(b) Prophylactic antibiotic selection for surgical patients;

(c) Prophylactic antibiotics discontinued within 24 hours after surgery end time.

(3) The methodology used to prepare the measures shall meet the standards specified by the Centers for Medicare and Medicaid Services (CMS) in the Specifications Manual for National Hospital Quality Measures available on the CMS website at: www.cms.hhs.gov/quality/hospital. CMS standards include submission of SIP data to the Quality Improvement Organization Clinical Warehouse, providing records required for reabstraction activities, and compliance with other data quality standards as specified by CMS.

(4) Hospitals shall use the SIP methodology specified by CMS for the applicable reporting period to determine the SIP measures reported to the Agency. If the hospital uses sampling, the hospital must follow the sampling protocol specified by CMS.

(5) Hospitals shall report the population size, rate, numerator value, and denominator value as specified by CMS for each type of surgery to include coronary artery bypass surgery (CABG), cardiac surgery, hip arthroplasty, knee arthroplasty, colon surgery, hysterectomy, vascular surgery, and for all of the above surgeries overall.

(6) Hospitals shall report data separately for each location consistent with Rule 59E-7.012, F.A.C., unless reporting separately would be contrary to CMS specifications. If a combined report is submitted, report the name of the hospital and AHCA hospital identification number required in subsection 59B-15.005(1), F.A.C., for each of the hospitals included in the report.

(7) The data shall be submitted in a text file, using a tab between each data element. Start a new line for each type of surgery and for each measure. Order the rows of data by type of surgery as listed in subsection (5) with three consecutive rows of data for each measure in subsection (2) above reported for each type of surgery. Each line of data shall state the name of the type of surgery or state all of the above surgeries overall as in subsection (5) above and state the name of the type of measure as in (2) above. The rate shall be reported as a decimal number greater than or equal to zero (0) and less than or equal to one hundred (100) using the format X.XX, XX.XX, or XXX.XX as required. Report hospital contact information required in Rule 59B-15.005, F.A.C., in the order specified starting a new line beginning with contact name and contact telephone number. Hospital contact information should be reported at the beginning of the document.

(8) Hospitals shall send the SIP measures by electronic mail to SIPReport@ahca.myflorida.com or, if requested in writing by the hospital and approved by the Agency, to the

Agency's mailing address using a 3.5" diskette or CD-ROM. The mailing address of the Agency is: Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #16, Tallahassee, Florida 32308 with the statement, "Attention: State Center for Health Statistics." If the hospital has a vendor send the SIP measures to the Agency, the hospital will direct the vendor to copy (cc) the hospital contact when the report is e-mailed to the Agency.

Specific Authority 408.061(1)(a),(2) FS. Law Implemented 408.05(3)(l)1. FS. History-New _____.

59B-15.005 Hospital Contact Information.

(1) Each hospital shall include the following contact information when submitting a report required in this section to the Agency for Health Care Administration:

(a) Name of hospital;

(b) AHCA hospital identification number;

(c) Reporting year in four digits;

(d) Reporting quarter as a 1, 2, 3, or 4 where 1 corresponds to the first quarter of a calendar year;

(e) Contact name;

(f) Contact title;

(g) Contact address;

(h) Contact direct telephone number;

(i) Hospital telephone number;

(j) Contact e-mail address;

(k) Contact FAX number.

(2) The hospital contact information shall be reported in a text file as described in Rule 59B-15.004, F.A.C., using a tab between each data element.

Specific Authority 408.061(1)(a),(2) FS. Law Implemented 408.05(3)(l)1. FS. History-New _____.

59B-15.006 Certification.

(1) Each hospital shall provide certification of the accuracy of the Surgical Infection Prevention measures including all data required in this section as provided in Section 408.061(1)(a), Florida Statutes.

(2) The certification shall be submitted to the Agency for Health Care Administration (Agency) using the Certification of Surgical Infection Prevention Measures Form SIP-1, dated 2/01/2005, incorporated by reference. The certification shall be submitted to the Agency for Health Care Administration (Agency) quarterly prior to or concurrent with the submission of the Surgical Infection Prevention Measures as provided in Rule 59B-15.004, F.A.C. The Certification of Surgical Infections Prevention Measures Form will be available from the Agency website at www.ahca.myflorida.com. The signed Certification of Surgical Infections Prevention Measures may be submitted electronically to SIPReport@ahca.myflorida.com using a pdf file with a scanned signature or mailed to the Agency address provided in Rule 59B-15.004, F.A.C.

(3) If a combined report is submitted per subsection 59B-15.004(6), F.A.C., a separate Certification of Surgical Infection Prevention Measures Form SIP-1 must be submitted for each hospital included in the report.

Specific Authority 408.061(1)(a),(2) FS. Law Implemented 408.05(3)(1)1. FS. History–New _____.

59B-15.007 Administrative Penalties.

Failure to report as required in this section in whole or in part is subject to administrative fines as provided in Section 408.08(2) and 408.08(5), Florida Statutes, unless the hospital has been granted an extension of up to 30 days by the Agency for Health Care Administration for reasons of extraordinary or hardship circumstances such as a natural disaster or emergency event impacting the hospital. Hospitals must request the extension, in writing, prior to the due date specified in Rule 59B-15.004 F.A.C.

Specific Authority 408.061(1)(a),(2), 408.08(2),(5), 408.15(11) FS. Law Implemented 408.05(3)(1)1. FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Rawlins, Bureau Chief, State Center for Health Statistics
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary, Agency for Health Care Administration

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Dental Services
RULE NO.: 59G-4.060

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update January 2005 to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The effect will be to incorporate by reference in the rule the January 2005 update to the Florida Medicaid Dental Services Coverage and Limitations Handbook.

SUMMARY: This rule amendment is to incorporate by reference update January 2005 to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The handbook revisions include the restoration of adult dentures, a coinsurance on adult dental services, revisions to orthodontic and behavioral management services, a revised orthodontics assessment form, and a new behavioral management report form. The revisions also include the removal of the January 2004 fee schedules.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 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: 2:30 p.m., Monday, April 4, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Cerasoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2004, updated January 2005, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All the handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History–New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Cerasoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE TITLES:	RULE NOS.:
Records Required to Maintain the Designation Formula for Compliance With Required Percentage of Gross Food Sales Revenues For Percentage of Gross Alcohol Sales for Consumption on the Licensed Premises Revenue Formula	61A-7.006 61A-7.007 61A-7.008
Method Used to Determined Whether an Establishment is Predominately Dedicated to the Serving of Alcoholic Beverages	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.

SUMMARY: These rules will address The Florida Clean Indoor Air Act and smoking in stand-alone bars.

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: 386.2125, 561.695(9) FS.

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

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

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

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

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

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

(d) 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

Division of Pari-Mutuel Wagering

RULE TITLE: Superfecta Pool

RULE NO.: 61D-7.013

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to wagering and the types of wagers that are permissible. In particular, a new variation upon the Superfecta is being implemented in which there will be a forced payout at the end of a performance.

SUMMARY: This proposed rule addresses the manner in which a wager, the Superfecta pool, is administered and carried out.

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

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

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.155(1) FS.

LAW IMPLEMENTED: 550.0251, 550.155 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, April 5, 2005

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-7.013 Superfecta Pool.

(1) No change.

(2) Permitholders may elect to conduct a Superfecta in the carryover method as provided in subsection (10) below. If a permitholder elects to offer the carryover method, a notice shall be made in the daily program explaining that there is a carryover provision and the percentages applying to the jackpot pool and the minor pool. All Superfectas not conducted in the carryover method shall be conducted in the non-carryover method as provided in subsection (3) below.

(3)~~(2)~~ The net non-carryover Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish:

(a) through (e) No change.

(4)~~(3)~~ If less than four betting interests finish and the contest is declared official, payouts will be made based upon the order of finish of those betting interests completing the contest.

(5)~~(4)~~ If there is a dead heat for first involving:

(a) through (c) No change.

(6)~~(5)~~ If there is a dead heat for second involving:

(a) through (b) No change.

(7)~~(6)~~ If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in exact order, along with any two of the betting interests involved in the dead heat for third shall share in a profit split.

(8)(7) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers, in exact order, along with any of the betting interests involved in the dead heat for fourth shall share in a profit split.

(9)(8) In the event that more than one component of a coupled entry or mutuel field finishes within the first four positions, the first member of the coupled entry or field to finish shall determine the position of the single betting interest. The net pool shall be distributed to those whose selection included the coupled entry or mutuel field and each of the other three betting interests.

(10) The net carryover Superfecta pool shall be distributed to winning wagers in the following precedence, based upon the following order of finish:

(a) If tickets are sold on the winning combination of the Superfecta, the net pool shall have added to it any carryover monies from previous Superfecta contests, and shall then be equally divided among those ticket holders.

(b) If no tickets are sold on the winning combination of the Superfecta, then the net pool shall be divided into two separate pools. For example, seventy-five percent of the net pool shall be paid into a pool known as the Jackpot Carryover, and carried over to the next regularly scheduled Superfecta contest. The remaining 25 percent of the net pool shall be paid into a pool known as the Superfecta minor pool, and this pool shall be equally divided among those ticket holders who correctly selected the first three finishers in exact order. If no ticket has been sold correctly selecting the first three finishers in exact order, then the Superfecta minor pool shall be paid to the first two finishers in exact order; if no ticket has been sold correctly selecting the first two finishers in exact order, then the Superfecta minor pool shall be paid to those ticket holders who selected the winning betting interest. In the event no ticket has been sold correctly selecting the winning betting interest to finish first, then the Superfecta gross pool (excluding monies carried over from previous Superfecta contests) shall be refunded.

(c) If the Superfecta gross pool is refunded in accordance with the above-described rules, then all monies carried over, if any, shall be held in escrow until the next regularly scheduled Superfecta.

(d) If less than four betting interests finish and the contest is declared official, payouts will be made from the Superfecta minor pool only, and shall be made to holders of tickets correctly selecting the greatest number of actual finishing betting interests in exact order. In this event, the Jackpot Carryover will be carried over to the next regularly scheduled Superfecta contest.

(e) In the event the accumulated Jackpot Carryover has not been distributed prior to the final contest of the performance in which the Jackpot Carryover was generated, then the accumulated Jackpot Carryover and the net pool in the final Superfecta contest of the performance shall be distributed to

holders of Superfecta tickets who correctly selected the first four official finishers in exact order; or if no ticket is sold as above described, to those who correctly selected the first three finishers in exact order; or if no ticket is sold as above described, to those who correctly selected the first two finishers in exact order; or if no ticket is sold as above described, to those who correctly selected the winning betting interest to finish first. In the event no ticket has been sold correctly selecting the winning betting interest to finish first, then the gross Superfecta pool will be refunded and the Jackpot Carryover distributed equally to all final contest Superfecta ticket holders.

(f) In the event the final Superfecta contest of a performance is unable to be conducted and the jackpot remains unpaid, the accumulated jackpot amount will be added to the first Superfecta contest of the next performance.

(g) All dead heat provisions of subsections (5), (6), (7), (8) and coupled entry or mutuel field provisions of subsection (9) apply to the net carryover Superfecta pool distributions.

(11)(9) There shall be no minimum number of betting interests required to start in a contest in which Superfecta wagering is offered except that when the Superfecta represents half of a Trifecta and Superfecta combination, the minimum shall be seven.

(12) Permitholders electing to offer the net carryover Superfecta pool may, prior to offering the wager, designate the Jackpot Carryover amount at any given percentage of the net pool; the remaining percentage will be the minor pool portion, if any. This elected percentage may not be changed during the performance on which the Superfecta is conducted in the carryover method.

(13) Each permitholder conducting a Superfecta pool of any type, must notify the wagering public via a statement in the official program or by prominently displaying on each level of the facility, a declaration of whether the standard version or the carryover version of the pool is being conducted.

(14) Different methods of conduct of this pool may not be combined for the Superfecta between intertrack or simulcast wagering hosts and guests.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Diane Carr, Secretary, Department
of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 25, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 30, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Division of Pari-Mutuel Wagering**

RULE TITLE: Reporting Requirements for Charity/
Scholarship Performances

RULE NO.: 61D-8.003

PURPOSE AND EFFECT: The proposed rule will implement and interpret Florida Statutes related to charity/scholarship racing performances. The proposed amendments to Rule 61D-8.003, Florida Administrative Code, specify reporting and other requirements for charity/scholarship performances and specifically address reporting for "Greyhound Adopt-A-Pet Day."

SUMMARY: This proposed rule addresses reporting requirements for charity/scholarship racing performances that require submittal of BPR Forms 14-008 and 14-009 and the specific requirements for an additional performance for "Greyhound Adopt-A-Pet Day" as authorized by Section 550.1648, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 550.0251(3),(7), 550.125(2)(b), 550.155(1) FS.

LAW IMPLEMENTED: 550.0251, 550.0351, 550.125, 550.155, 550.1647, 550.1648 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, April 5, 2005

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

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

~~(1) Each permitholder desiring to conduct charity/scholarship performances shall submit Form DBPR 14 021, Proposed Recipients of Charity/Scholarship Performance Proceeds, incorporated by Rule 61D 10.001, Florida Administrative Code, with their annual application for a license to conduct performances during the next state fiscal year.~~

(1)(2) Proceeds from all charity/scholarship performances shall be distributed only to proposed recipients which are determined by the division to be in compliance with Section 550.0351, Florida Statutes. Any charity registered with or determined to be exempt by the Division of Consumer Services pursuant to Chapter 496, Florida Statutes, shall be deemed in compliance with Section 550.0351, Florida Statutes. It shall be the permitholder's responsibility to insure that charity recipients are registered or have been determined to be exempt pursuant to Chapter 496, Florida Statutes, or are duly qualified with the division by the filing of a copy of the exemption from taxation issued by the Internal Revenue Service to such charity.

~~(2)(3) No proceeds may be distributed to any organization who does not meet the requirements of subsection (1)(2) of this rule.~~

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

(4) A greyhound permitholder may hold one additional charity day, designated as "Greyhound Adopt-A-Pet Day," as authorized by Section 550.1648, Florida Statutes. "Profits" for

this charity event shall be calculated in the same manner as required for "proceeds" in Sections 550.0351(4) and (5), Florida Statutes.

(5) The permitholder must maintain an accounting of the funds related to the "Greyhound Adopt-A-Pet Day" charity. All revenue associated with this charity event must be deposited into a separate account, within 7 days of the event. Documentation, including names of recipients, individuals or entities, must be maintained of all disbursements from the fund account. Disbursements may be made only to recipients allowed by Section 550.1648, Florida Statutes, in that the money must be used to support activities for promoting greyhound adoptions.

(6) The permitholder is the custodian of the funds related to the "Greyhound Adopt-A-Pet Day" charity event. As part of any review by the division in which it is determined there were unlawful recipients of the charity funds, the permitholder will be required to reimburse the fund for the amount of the improper disbursement(s).

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
David J. Roberts, Director, Division of Pari-Mutuel Wagering
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Diane Carr, Secretary, Department
of Business and Professional Regulation
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 25, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 30, 2004

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Collection Efforts
RULE NO.: 61G4-21.006

PURPOSE AND EFFECT: The Board proposes to add this section to the procedures for processing claims to the Florida Homeowners' Construction Recovery Fund.

SUMMARY: To add Collection Efforts to the Florida Homeowners' Recovery Fund Procedures.

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: 489.108 FS.

LAW IMPLEMENTED: 489.140-.143 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: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-21.006 Collection Efforts.

(1) At the time of payment from the Recovery Fund, the claimant shall assign his or her right, title, and interest in any judgment to the extent of such payment.

(2) Claimant shall file the assignment in the records of the county where the original judgment has been filed.

(3) Upon assignment, the Board shall be surrogated to the right, title, and interest of the claimant; and any amount subsequently recovered on the judgment, award, or restitution order by the Board, to the extent of the right, title and interest of the Board therein, shall be for the purpose of reimbursing the Recovery Fund.

(4) The Board shall attempt to collect from the Contractor repayment of the funds disbursed.

Specific Authority 489.108 FS. Law Implemented 489.143 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Vaccaro, Executive Director, Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Construction Industry Licensing Board

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Requirements for Reactivation of an Inactive License
RULE NO.: 64B11-5.003

PURPOSE AND EFFECT: The Board proposes to rewrite this section to conform this section to the requirements of Section 456.036, Florida Statutes, and the Board's rules concerning fees.

SUMMARY: The rule revises and clarifies the fee and continuing education requirements for reactivating an inactive license.

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

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

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 468.219(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: 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:

(Substantial rewording of Rule 64B11-5.003 follows. See Florida Administrative Code for present text.)

64B11-5.003 Requirements for Reactivation of an Inactive License.

(1) An inactive license for an occupational therapist or occupational therapist assistant shall be reactivated upon demonstration that the licensee has satisfied the following requirements:

(a) Paid the reactivation fee and any applicable delinquent or renewal fees as set forth in Rule 64B11-5.006, F.A.C.;

(b) Unless exempted by subsection 64B11-5.001(8), F.A.C., completed 13 hours of approved continuing education for each year of inactive status and 26 hours of approved continuing education for the last biennium in which the licensee held an active license;

(c) Unless exempted by subsection 64B11-5.001(8), F.A.C., completed a two hour course on laws and rules (as required by subsection 64B11-5.001(6), F.A.C.) for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license. This requirement shall count towards the 13 total yearly or 26 total biennial hourly requirements, as applicable;

(d) Completed one (1) hour of approved continuing education in the area of HIV/AIDS or end of life-palliative health care as authorized and prescribed in subsection 64B11-5.001(4), F.A.C., for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.

(e) Completion of two (2) hours of approved continuing education relating to the prevention of medical errors, as authorized and prescribed in subsection 64B11-5.001(5),

F.A.C., for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.

(2) A licensee may perform no more than six (6) hours of continuing education as home study education per year of inactive status.

(3) No provision of this section shall be construed to require the completion of continuing education in any specific subject area, for any biennial period in which continuing education in that subject area was not specifically required by law for renewal of an active license.

(4) The continuing education credits required by this section for reactivation may be earned at any time during the inactive licensure period. Credits allowed to meet this requirement may also include up to 26 hours of approved continuing education credits earned during the last biennium in which the licensee held an active status license.

(5) The provisions of Rule 64B11-2.012, F.A.C., are not applicable to licensees reactivating an inactive license.

Specific Authority 456.036, 468.214, 468.219 FS. Law Implemented 456.036, 468.219 FS. History--New 4-17-95, Formerly 59R-64.020, Amended 10-18-01,

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: November 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Examination
 RULE NO.: 64B19-11.001

PURPOSE AND EFFECT: The Board proposes to delete paragraph 64B19-11.001(4)(c), F.A.C.

SUMMARY: The time limit for passing both parts of the examination and submitting evidence of completed post-doctoral work experience will be deleted from the rule.

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

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

SPECIFIC AUTHORITY: 490.004 FS.

LAW IMPLEMENTED: 490.005 FS.

1. An observed, estimated, inferred or suspected population size reduction of at least 80% over the previous ten years or three generations, whichever is longer, where the reduction or its causes may not have ceased OR may not be understood OR may not be reversible, based on; (and specifying); any of the following:

- a. Direct observation;
- b. An index of abundance appropriate for the species;
- c. A decline in area of occupancy, extent of occurrence or quality of habitat;
- d. Actual or potential levels of exploitation;
- e. The effects of introduced taxa species, hybridization, pathogens, pollutants, competitors or parasites.

2. A population size reduction of at least 80%, projected or suspected to be met within the next ten years or three generations, whichever is longer (up to a maximum of 100 years), based on; (and specifying); any of sub-subparagraph 1.b., 1.c., 1.d. or 1.e. above.

3. An observed, estimated, inferred, projected, or suspected population size reduction of at least 80% over any 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time period must include both past and future, and where the reduction or its causes may not have ceased OR may not be understood OR may not be reversible, based on (and specifying) any of sub-subparagraphs 1.a. 1.b., 1.c., 1.d. or 1.e. above.

4. An observed, estimated, inferred, or suspected reduction of at least 90% over the last 10 years or three generations, whichever is longer, where the causes of reduction are clearly reversible AND understood AND ceased, based on (and specifying) any of sub-subparagraphs 1.a. 1.b., 1.c., 1.d. or 1.e. above.

(b) Geographic range in the form of either eExtent of occurrence estimated to be less than 40 square miles or area of occupancy estimated to be less than 4 square miles, and estimates indicating any two of the following:

1. Severity fragmented or known to exist at only a single location.

2. Continuing decline, observed, inferred or projected, in any of the following:

- a. Extent of occurrence;
- b. Area of occupancy;
- c. Area, extent and/or quality of habitat;
- d. Number of locations or subpopulations;
- e. Number of mature individuals.

3. Extreme fluctuations in any of the following:

- a. Extent of occurrence;
- b. Area of occupancy;
- c. Number of locations or subpopulations;
- d. Number of mature individuals.

(c) Population size estimated to number fewer than 250 mature individuals and either:

1. An estimated continuing decline of at least 25% within three years or one generation, whichever is longer, or

2. A continuing decline, observed, projected or inferred, in numbers of mature individuals and at least one of the following population structure in the form of either:

a. Population structure in the form of either no subpopulation estimated to contain more than 50 mature individuals, or at least 90% of mature individuals in one subpopulation. Severe fragmentation (that is, no subpopulation estimated to contain more than 50 mature individuals)

b. Extreme fluctuations in number of mature individuals. All individuals are in a single subpopulation.

(d) Population size estimated to number less than 50 mature individuals.

(e) Quantitative analysis showing the probability of extinction in the wild is at least 50% within ten years or three generations, whichever is longer (up to a maximum of 100 years).

(28) through (73) No change.

(74) Species of special concern – As designated by the Commission, a species, subspecies, or isolated population of a species or subspecies which is facing a moderate risk of extinction in or extirpation from Florida in the future, as determined by paragraphs (a), (b), (c), (d) or (e) below:

(a) Reduction in pPopulation size based on any of the following reduction in the form of either:

1. An observed, estimated, inferred or suspected population size reduction of at least ~~30~~ 20% over the last ten years or three generations, whichever is longer, where the reduction or its causes may not have ceased or may not be understood or may not be reversible, based on; (and specifying); any of the following:

- a. Direct observation;
- b. An index of abundance appropriate for the species;
- c. A decline in area of occupancy, extent of occurrence and/or quality of habitat;
- d. Actual or potential levels of exploitation;
- e. The effects of introduced species, hybridization, pathogens, pollutants, competitors or parasites;

2. A population size reduction of at least ~~30~~ 20%, projected or suspected to be met within the next ten years or three generations, whichever is longer (up to a maximum of 100 years), based on; (and specifying), any of sub-subparagraphs 1.b., 1.c., 1.d. or 1.e. above.

3. An observed, estimated, inferred, projected or suspected population reduction of at least 30% over any 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time period must include both past and future, and where the reduction or its causes may not have ceased or may not be understood or may not be reversible, based on (and specifying) any of sub-subparagraphs 1.a. 1.b., 1.c., 1.d. or 1.e. above.

4. An observed, estimated, inferred or suspected population size reduction of at least 50% over the last 10 years or three generations, whichever is longer, where the causes of reduction are clearly understood AND reversible AND ceased, based on (and specifying) any of sub-subparagraphs 1.a. 1.b., 1.c., 1.d. or 1.e. above.

(b) Geographic range in the form of either eExtent of occurrence estimated to be less than 7,700 square miles or area of occupancy estimated to be less than 770 square miles, and estimates indicating any two of the following:

1. Severely fragmented or known to exist at no more than 10 locations only a single location.

2. Continuing decline, observed, inferred or projected, in any of the following:

- a. Extent of occurrence;
- b. Area of occupancy;
- c. Area, extent and/or quality of habitat;
- d. Number of locations or subpopulations;
- e. Number of mature individuals.

3. Extreme fluctuations in any of the following:

- a. Extent of occurrence;
- b. Area of occupancy;
- c. Number of locations or subpopulations;
- d. Number of mature individuals.

(c) Population size estimated to number fewer than 10,000 mature individuals and either:

1. An estimated continuing decline of at least 10% within ten years or three generations, whichever is longer; or

2. A continuing decline, observed, projected, or inferred, in numbers of mature individuals and at least one of the following population structure in the form of either:

a. Population structure in the form of either no subpopulations estimated to contain more than 1,000 mature individuals, or all mature individuals are in one subpopulation. Severely fragmented (i.e., no subpopulation estimated to contain more than 1,000 mature individuals)

b. Extreme fluctuations in number of mature individuals All individuals are in a single subpopulation.

(d) Population very small or restricted in the form of either of the following:

1. Population size estimated to number fewer than 1,000 mature individuals.

2. Population with a very restricted is characterized by an acute restriction in its area of occupancy (less than 16 40 square miles) or in the number of locations (typically 5 or fewer than 5) such that it is prone to the effects of human activities or stochastic events within a very short time period in an uncertain future.

(e) Quantitative analysis showing the probability of extinction in the wild is at least 10% within 100 years.

(75) through (77) No change.

(78) Threatened species – As designated by the Commission, a species, subspecies, or isolated population of a species or subspecies which is facing a very high risk of extinction in or extirpation from Florida in the future, as determined by paragraphs (a), (b), (c), (d) or (e) below:

(a) Reduction in pPopulation size based on any reduction in the form of either of the following:

1. An observed, estimated, inferred, or suspected population size reduction of at least 50% over the last ten years or three generations, whichever is longer, where the reduction or its causes may not have ceased or may not be understood or may not be reversible, based on; (and specifying); any of the following:

- a. Direct observation;
- b. An index of abundance appropriate for the species;
- c. A decline in area of occupancy, extent of occurrence and/or quality of habitat;
- d. Actual or potential levels of exploitation;
- e. The effects of introduced species, hybridization, pathogens, pollutants, competitors or parasites.

2. A population size reduction of at least 50%, projected or suspected to be met within the next ten years or three generations, whichever is longer (up to a maximum of 100 years), based on; (and specifying); any of sub-subparagraphs 1.b., 1.c., 1.d. or 1.e. above.

3. An observed, estimated, inferred, projected or suspected population size reduction of at least 50% over any 10 year or three generation period, whichever is longer (up to a maximum of 100 years in the future), where the time period must include both past and future, and where the reduction or its causes may not have ceased or may not be understood or may not be reversible, based on any of sub-subparagraphs 1.a. 1.b., 1.c., 1.d. or 1.e. above.

4. An observed, estimated, inferred or suspected population size reduction of at least 70% over the last 10 years or three generations, whichever is longer, where the causes of reduction are clearly understood AND reversible AND ceased, based on (and specifying) any of sub-subparagraphs 1.a. 1.b., 1.c., 1.d. or 1.e. above.

(b) Geographic range in the form of either eExtent of occurrence estimated to be less than 2,000 square miles or area of occupancy estimated to be less than 200 square miles, and estimates indicating any two of the following:

1. Severely fragmented or known to exist at no more than five locations

2. Continuing decline, observed, inferred or projected, in any of the following:

- a. Extent of occurrence;
- b. Area of occupancy;
- c. Area, extent and/or quality of habitat;
- d. Number of locations or subpopulations;
- e. Number of mature individuals;

(b) Shooting hours: One-half hour before sunrise until sunset.

(c) Limits:

- 1. Daily bag: The daily bag limit is five Canada geese.
- 2. Possession: The possession limit is ten Canada geese.

(5) No change.

PROPOSED EFFECTIVE DATE: July 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 8-1-79, Amended 10-23-79, 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-13-84, 8-13-85, 10-1-85, Formerly 39-13.03, Amended 8-5-86, 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-9-90, 10-31-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-28-97, 11-12-98, 6-23-99, Formerly 39-13.003, Amended 11-7-00, 5-13-02, 5-1-03, 7-1-04, 7-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2004

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

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Type I Wildlife Management Areas 68A-15

RULE TITLE: RULE NO.:

Specific Regulations for Wildlife Management Areas – North Central Region 68A-15.062

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise specific area regulations on the San Pedro Bay Wildlife Management Area (WMA) to no longer allow the use of dogs to take deer on a portion of the WMA. The effect of the proposed rule change is to continue to provide public hunting opportunities under the Recreational Use Permit Program on lands that remain in the WMA.

SUMMARY: The proposed rule change would revise regulations to no longer allow the use of dogs to take deer on a portion of the WMA (about 7,240 acres; lands south of Camp Jackson Road) due to removal of adjacent lands from the WMA.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 372.121, 375.313 FS.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 14-15, 2005

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.062 Specific Regulations for Wildlife Management Areas – North Central Region.

- (1) through (20) No change.
- (21) San Pedro Bay Wildlife Management Area.
 - (a) through (c) No change.
 - (d) General regulations:
 - 1. Deer dogs may be trained north of Camp Jackson Road ~~on the area~~ between the established muzzleloading gun season and general gun season.
 - 2. Hunting with dogs is prohibited during the archery season except that waterfowl retrievers and bird dogs may be used during the early experimental duck season established by Rule 68A-13.003, F.A.C.
 - 3. Motorized vehicles may be operated only on established roads. Vehicular traffic is prohibited on roads identified and posted as closed.
 - 4. Public access to the area is prohibited from one and one-half (1 1/2) hours after sunset to one and one-half (1 1/2) hours before sunrise.
 - 5. Vehicles may only enter and exit the area at designated entrances.

6. Horses are permitted only during periods closed to hunting.

7. Fires are prohibited.

8. Access is permitted only by individuals possessing a valid recreational user permit except as provided by Section 372.57, F.S.

9. Hunters shall check in an out at a check station when entering and exiting the area and shall check all game taken.

10. The possession or use of dogs, other than bird dogs or waterfowl retrievers, is prohibited south of Camp Jackson Road during open hunting seasons.

(22) through (36) No change.

PROPOSED EFFECTIVE DATE: August 1, 2005.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 6-21-82, Amended 7-1-83, 11-17-83, 7-5-84, 7-1-85, 2-16-86, 5-7-86, 6-10-86, 11-27-86, 5-10-87, 5-1-88, 6-7-88, 7-1-89, 8-17-89, 7-1-90, 9-1-90, 7-1-91, 7-2-91, 7-1-92, 7-2-92, 8-23-92, 10-22-92, 7-1-93, 7-1-94, 2-9-95, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 7-1-99, Formerly 39-15.062, Amended 12-9-99, 7-1-00, 7-1-01, 11-11-01, 6-2-02, 10-16-02, 5-25-03, 7-7-03, 9-29-03, 7-1-04, 8-1-04, 8-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2005

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules Relating to Endangered or Threatened Species 68A-27

RULE TITLE: RULE NO.:

Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern 68A-27.0012

PURPOSE AND EFFECT: The purpose of the proposed change is to revise the process for listing imperiled species by specifying the time petitions will be evaluated, adding language to address harvested marine species, altering the biologic review panel, requiring the panel use the regional guidelines, and requiring the panel to follow the criteria application guidelines.

SUMMARY: The proposed rule changes specify the time petitions will be evaluated, adds language addressing harvest marine species, alters the biologic review panel, requires the panel use the regional guidelines, and requires the panel to follow the criteria application guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$285 for administrative preparation and \$188 for legal advertising. No other significant economic impacts are expected.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 14-15, 2005

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-27.0012 Procedures for Listing, Delisting and Reclassifying Endangered, Threatened and Species of Special Concern.

(1) Petition to list, delist, or reclassify a species in Rule 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C.

(a) Persons wishing to add, delete or reclassify species in Rule 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., shall submit a written petition to the Commission. Petitions will be reviewed for completeness from July 1 through December 31.

~~(b)~~ Petitions shall be clearly identified as such, and must contain the following in order to be considered complete:

~~1.a~~: The rule to which the species is proposed to be added, removed from or reclassified to,

~~2.b~~: The name, address and signature of the petitioner, and

~~3.e~~: Sufficient information on the biology and distribution of the species to warrant investigation of its status using the criteria contained in definitions of endangered, threatened or species of special concern in Rule 68A-1.004, F.A.C.

~~(c)(b)~~ Incomplete petitions will be returned to the petitioner with insufficiencies clearly noted in writing. Corrected petitions may be resubmitted for consideration.

~~(d)(e)~~ Complete petitions will be evaluated in accordance with the provisions in subsection (2).

~~(e)(f)~~ Emergency petitions may be submitted at any time and if in the opinion of the Executive Director, immediate inclusion of a species in Rule 68A-27.003, F.A.C., is essential to prevent imminent extinction, such listing may be effected on a temporary basis by Executive Order; provided that the Executive Order shall be approved or terminated at the next regularly scheduled meeting of the Commission. The Commission ~~staff~~ shall, within ~~365~~ 240 days after the effective date of such approval, conduct the evaluations prescribed in subsections (2) and (3) of this rule to determine the appropriate final classification of the species. The Commission shall take final action on the listing at the next regularly scheduled meeting following the ~~365~~ 240 day evaluation period.

~~(f)~~ Notwithstanding the provisions contained in this paragraph, these procedures shall not be applied to harvested marine species that: would only meet the listing criteria in Rule 68A-1.004, F.A.C., due to declines caused by either recreational harvest, commercial harvest, or both; that are monitored through periodic stock assessments or other techniques; that are the subject of any rule in Title 68B, F.A.C., that allows harvest; and that have a management plan or other system of rules and processes that functions as a management plan.

(2) Review of petitions to determine biological status; Phase 1.

~~(a)~~ The Commission shall establish an annual work plan for investigating pending complete petitions, considering conservation priorities and available resources. The work plan Commission shall establish a deadline for completion of each the biological status review of each complete petition. Complete petitions not identified for staff action will be reconsidered with new complete petitions each subsequent year.

~~(b)~~ The Commission shall designate a biological review panel of scientists with demonstrated knowledge of species conservation and management that consists of an odd number of members not to exceed 7. The biological review panel shall summarize information provided in the petition, information obtained from the public, and other available biological data on the status of the petitioned species into a biological status report. When assessing a species, this panel shall follow "Guidelines for Application of IUCN Red List Criteria at Regional Levels Version 3.0" and "Guidelines for Using the IUCN Red List Categories and Criteria." The biological status report shall contain a listing classification based solely on the IUCN guidelines. In addition, the panel may provide within the

report a biologically justified recommended classification which differs from the criteria-based classification by one level.

~~(c)(b)~~ The Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a solicitation of information on the biological status of the petitioned species. Written comments regarding biological status shall be accepted by the Commission for a period of no less than 45 days following public notice.

~~(e)~~ ~~The Commission shall summarize information provided in the petition, information obtained from the public and other available biological data on status of the petitioned species into a preliminary biological status report. The preliminary biological status report shall contain a recommended classification for the petitioned species consistent with the available biological data and based on the criteria established in Rule 68A-1.004, F.A.C.~~

~~(d)~~ ~~The Commission shall designate a biological review panel with a minimum of three scientists with demonstrated knowledge and expertise pertaining to species conservation and management. This panel shall independently evaluate information compiled on the petitioned species' biological status relative to its proposed classification in Rules 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C.~~

~~(e)~~ ~~The biological status report and the information referenced in paragraph (e) shall be provided to members of the panel of scientific experts for the review mandated in paragraph (d) of this rule. Panel members shall have no fewer than 45 days to review the document and provide recommendations to the Commission.~~

~~(d)(f)~~ The Commission shall consider the ~~final~~ biological status report, ~~biological recommendations from the panel of scientific experts and public comments testimony~~ regarding the biological status in making a final determination whether addition, deletion or reclassification of the petitioned species in Rule 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., is warranted.

~~(e)(g)~~ If the petitioned species is determined by the Commission to warrant inclusion in Rule 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., the Commission shall:

1. Specify the appropriate listing category for the species based on biological status.
2. Establish a deadline for completion of Phase 2 for the species as described in subsection (3) below, considering the recommendation of Commission employees and other interested parties.

3. If the species is not already listed in Rule 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., it shall be added to the list of candidate species in Rule 68A-27.0021, F.A.C., and the protective provisions therein shall apply to the species.

(3) Development of management plans, ~~regulations, permit requirements for candidate species;~~ Phase 2.

(a) Phase 2 will be initiated subsequent to Commission action pursuant to subsection (2) except for a decision not to list a previously unlisted species. Within 45 days following designation of a candidate species the Commission meeting, the Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a solicitation of information on the conservation needs of the species, and any economic and social factors that should be considered in its management.

(b) The Commission shall use information obtained from the public and other available information to develop a draft management plan for each candidate species described in paragraph (3)(a) of this rule section. This draft plan shall that addresses:

1. Biological status as determined in Phase 1,
2. Conservation objectives,
3. Recommended management actions,
4. Recommended Commission regulations and incentives,
5. Anticipated economic and social impacts of implementing or not implementing the recommended conservation actions.

(c) The Commission shall provide notice by mail to parties who request such notification and shall publish in the Florida Administrative Weekly a notice of the availability of the draft management plan. Written comments regarding conservation recommendations and expected economic and social impacts of implementation of the management plan shall be accepted by the Commission for a period of no less than 45 days following public notice.

(d) Final Commission action on the petition shall include:

1. Deletion of the species from Rule 68A-27.0021, F.A.C., if appropriate, and addition to and/or deletion from Rule 68A-27.003, 68A-27.004 or 68A-27.005, F.A.C., in accordance with the determination made in subsection (2) of this rule.

2. A determination on any proposed regulations in the management plan.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-23-99, Formerly 39-27.0012, Amended 7-1-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Timothy Breault

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2005

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

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH

THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Oysters

RULE TITLES:

RULE NOS.:

Apalachicola Bay Oyster

Harvesting Restrictions

68B-27.017

Seasons

68B-27.019

PURPOSE AND EFFECT: The purpose of these rule amendments is to modify the oyster harvesting seasons in Apalachicola Bay. The effect should be to have open seasons for the Bay that better correspond with product availability.

SUMMARY: Subsection (1) of Rule 68B-27.017, F.A.C., is amended to change the Apalachicola Bay closure days to coincide with the shifting of the summer and winter seasons in the Bay. Paragraph (1)(a) of Rule 68B-27.019, F.A.C., is amended to change the summer open season in Apalachicola Bay from July 1 through September 30 each year to June 1 through August 31. The winter season is changed to September 1 through May 31 and references to open bars is corrected to refer to Department of Agriculture and Consumer Services rule.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 14-15, 2005

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-27.017 Apalachicola Bay Oyster Harvesting Restrictions.

In addition to all other provisions of this chapter, the following provisions shall apply to Apalachicola Bay:

(1) No person shall harvest or take oysters for commercial purposes from the waters of Apalachicola Bay:

(a) On any Friday or Saturday from ~~June July~~ 1 through ~~August 31 September 30~~ of each year.

(b) On any Saturday or Sunday from ~~September October~~ 1 through November 15 of each year.

(2) through (3) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-10-91, Amended 11-29-93, Formerly 46-27.017, Formerly 46-27.017, Amended 6-1-99, _____.

68B-27.019 Seasons.

(1) In all areas of the state, no person shall harvest oysters on the public reefs of this state, or have such oysters in possession, from July 1 through September 30 of each year, except in the following areas or circumstances:

(a) In Apalachicola Bay;

1. ~~The harvest or possession of oysters on the public reefs is allowed from June July 1 through August 31 September 30 of each year only in the areas specified in subsection 5L-1.003(1), F.A.C., for the Apalachicola Bay System paragraph 68D-7.005(6)(e), F.A.C.~~

2. ~~The harvest or possession of oysters on the public reefs is allowed from September 1 through May 31 of each year only in the areas specified in subsection 5L-1.003(1), F.A.C., for the Apalachicola Bay System.~~

(b) As otherwise provided in this chapter or in Section 370.16, Florida Statutes.

(c) In Wakulla, Dixie, and Levy Counties, no person shall harvest or possess oysters on public reefs from June 1 through August 31 each year.

(2) The possession of oysters during the closed seasons specified in this chapter constitutes a violation of this rule.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-10-91, Amended 10-3-94, 7-15-96, Formerly 46-27.019, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

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

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

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Blue Crab

RULE TITLES:

Definitions

RULE NOS.:

68B-45.002

Blue Crab Limited Entry Endorsement Program 68B-45.007

PURPOSE AND EFFECT: The purpose of this proposed rule amendment and new rule is to create a limited entry endorsement program that would limit fishing effort in the commercial blue crab fishery by limiting the number of fishers. The effect should be to maintain a economically viable commercial trap fishery for blue crabs while protecting the species' long-term health and abundance.

SUMMARY: Rule 68B-45.002, F.A.C., is amended to insert new definitions of the terms "hard shell crab," "immediate family," and "soft shell crab" for purposes of the rule chapter. Proposed new Rule 68B-45.007, F.A.C., would cap the number of blue crab endorsements in the fishery; establish eligibility and qualifying requirements for receiving an endorsement; establish qualifying years; require trap tags; separate the hard blue crab from the soft-shell blue crab fisheries; develop a Blue Crab Appeals Board; develop an apprentice program; establish a Blue Crab Advisory Board; and allow transferability of endorsements.

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

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, April 14-15, 2005

PLACE: Ramada Inn and Conference Center, 2900 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

All written material received by the Commission within 21 days of the date of publication of this notice shall be made a part of the official record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-45.002 Definitions.

(1) through (6) No change.

(7) “Hard shell crab” means any blue crab in intermolt condition that has a shell that is rigid and inflexible.

(8)(7) “Mesh size” means the size of the opening or space within a polygon formed by the wire of a crab trap, to be measured at the largest dimension across such opening or space in an undistorted condition.

(9)(8) “Harvest” means the catching or taking of a blue crab by any means whatsoever, followed by a reduction of such blue crab to possession. Blue crabs caught but immediately returned to the water free, alive, and unharmed are not harvested. Temporary possession of a blue crab for the purpose of measuring it to determine compliance with the size requirements of this chapter shall not constitute the harvesting of such blue crab, provided that it is measured on the water immediately after taking, and immediately returned to the water free, alive, and unharmed if undersized.

(10)(9) “Harvest for commercial purposes” means the taking or harvesting of blue crab for purposes of sale or with intent to sell or in excess of the bag limit.

(11) “Immediate family” refers to a license holder’s mother, father, sister, brother, spouse, son, daughter, step-father, step-mother, step-son, step-daughter, half-sister, half-brother, son-in-law or daughter-in-law.

(12) “Offshore” means all state waters seaward of the COLREGS Demarcation Line.

(13)(10) “Peeler crab” means a hard blue crab in pre-molt condition having a new soft shell developed under the hard shell and having a definite white, pink, or red line or rim on the outer edge of the back fin or flipper, and retained specifically for soft crab shedding operations and marketed only after molting and prior to the hardening of the new shell.

(14)(11) “Push scrape” means a mesh net or bag attached to the outer edges of a triangular or rectangular rigid frame with a handle attached that is fished by being pushed across the bottom by a person wading.

(15) “Soft shell crab” means any blue crab that has recently molted and has a shell that is tender and flexible.

(16)(12) “Trotline” means a submerged line with bait at repetitive intervals.

(17)(13) “Untreated pine” means raw pine wood that has not been treated with any preservative or pine wood that has been pressure treated with no more than 0.40 pounds of chromated copper arsenate (CCA) compounds per cubic foot of wood.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.002, Amended 7-1-03, 7-15-04, _____.

68B-45.007 Blue Crab Limited Entry Endorsement Program.

(1) Beginning in the 2006/2007 license year, in addition to a valid saltwater products license and a valid restricted species endorsement, a blue crab limited entry endorsement number is required to harvest or possess blue crab in quantities greater than the recreational bag limit or to sell blue crab.

(2) The Commission shall notify all holders of a 2004/2005 commercial saltwater products license with a restricted species endorsement and an existing blue crab endorsement of their initial eligibility or denial of a blue crab limited entry endorsement. Those notified will indicate either their acceptance of the initial award of a blue crab limited entry endorsement number by completion of an acceptance application (Form DMF-SL4500 (05-05), incorporated herein by reference) or submit an application to appeal (Form DMF-SL4510 (05-05), incorporated herein by reference), as specified in paragraph (1)(b).

(3) The acceptance application must be received by the Commission no later than September 30, 2006. An applicant may be a person, firm, or corporation.

(a) In order to qualify for a blue crab limited entry endorsement number, an applicant must have held a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 370.135(2), F.S., at the time of application and qualify as specified in paragraph (3)(b). A limited entry blue crab endorsement number will not be issued to an applicant who did not hold a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 370.135(2), F.S., at the time of application.

(b) Qualification for a blue crab limited entry endorsement number shall be determined by landings of blue crab reported on a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement, and as specified in paragraph (c).

(c) Qualified blue crab limited entry endorsement number applicants must have documented blue crab landings in quantities as specified in subsections (4) or (5) pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during at least one of the following three license years: July 1, 2000 through June 30, 2001, July 1, 2001 through June 30, 2002, or July 1, 2002 through June 30, 2003. Qualifying landings must have been received by the FWC by August 1 2003; applicants lacking sufficient blue crab landings during the qualifying years may have their eligibility for a blue crab limited entry endorsement considered by the blue crab limited entry endorsement appeals board as specified in paragraph (11).

(4) Hard Shell Blue Crab Endorsement (V-H). The hard shell blue crab limited entry endorsement is required to harvest commercial quantities of hard shell blue crab using gears as authorized in subsection 68B-45.004(1), F.A.C.

(a) In order to obtain a V-H endorsement on a saltwater products license, an applicant must have documented landings of hard shell blue crab equal to or greater than 500 pounds during any one of the qualifying years as specified in paragraph (3)(c). Persons holding more than one saltwater products license, none of which individually have 500 pounds of hard shell blue crab landings, may qualify for a single V-H endorsement if the sum of hard shell blue crab landings listed on multiple saltwater products licenses that have a restricted species endorsement and current blue crab endorsement is equal to or greater than 500 pounds.

(b) An applicant qualifying for a V-H endorsement pursuant to paragraph (4)(a) may receive a unique endorsement number on each additional saltwater products license with a restricted species endorsement and current blue crab endorsement if the applicant has hard shell blue crab landings equal to or greater than 7,500 pounds on each such license during any one of the qualifying landings years as specified in paragraph (3)(c).

(c) An applicant will be issued a unique V-H endorsement number for each qualifying saltwater products license.

(d) Once eligible, a qualifying applicant shall be entitled to deploy up to 600 hard shell blue crab traps in any state waters and an additional 400 hard shell blue crab traps in offshore state waters in the Gulf of Mexico per V-H endorsement number.

(e) Persons holding a hard shell V-H endorsement number shall be allowed to land a maximum bycatch of 150 peeler crabs daily and operate up to three peeler crab shedding tanks.

(5) Soft Shell Blue Crab Endorsement (V-S). The soft shell blue crab limited entry endorsement is required to harvest peeler blue crabs in excess of the bycatch limit established in paragraph (4)(e) using gears as authorized in subsection 68B-45.004(2), F.A.C., or to produce soft shell blue crabs with more than three (3) shedding tanks.

(a) In order to obtain a V-S endorsement number on a saltwater products license, an applicant must have documented landings of soft shell or peeler blue crabs equal to or greater than 750 crabs during any one of the qualifying years as specified in paragraph (3)(c). Persons holding more than one saltwater products license, none of which individually have 750 soft shell or peeler blue crabs, may qualify for a V-S endorsement number if the sum of soft shell or peeler blue crab landings listed on multiple licenses is equal to or greater than 750 soft shell or peeler blue crabs.

(b) An applicant that qualifies for a single V-S endorsement number pursuant to paragraph (5)(a) may receive a unique V-S endorsement number on one additional saltwater products license if such license has documented landings of soft shell blue crab or peeler crab landings equal to or greater than 2,500 crabs during any one of the qualifying landings years specified in paragraph (3)(c).

(c) An applicant will be issued a unique V-S endorsement number for each qualifying saltwater products license.

(d) Once eligible, the holder of a V-S endorsement number as specified in paragraph (a) shall be entitled to fish up to 400 peeler crab traps as specified in subsection 68B-45.004(2), F.A.C., in state waters.

(e) Persons holding a V-S endorsement number as specified in paragraph (b) shall be entitled to fish up to 250 peeler crab traps as specified in subsection 68B-45.004(2), F.A.C., in state waters in addition to those specified in paragraph (d).

(6) Trap Tags.

(a) Trap tags shall only be issued to holders of a current valid saltwater products license with a restricted species endorsement and a blue crab limited entry endorsement number.

(b) Beginning July 1, 2006, each trap used for the directed harvest of blue crabs must have securely fastened thereto a current trap tag issued annually by the Commission. Each such tag shall be manufactured by a Commission vendor and made of durable plastic or similarly durable material and shall have printed thereon the holder's blue crab limited entry endorsement number. To facilitate enforcement and record keeping, such tags shall be issued each year in a color different from those used in the preceding three years. Traps with tags that are not securely fastened shall be considered untagged for enforcement purposes.

(c) Blue crab trap tags shall only be issued to natural persons. For the purpose of this section, the term "natural person" or "person" refers to a human being and does not include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. A corporation that holds a blue crab limited entry endorsement number shall designate one individual to whom they are assigning their trap tags.

(d) Each persons who possess a blue crab limited entry endorsement number must annually submit a blue crab limited entry endorsement trap tag order application form (DMF-SL4520 (05-05), incorporated herein by reference) within the time frame specified in paragraph (e) stating the number of tags they wish to receive, up to the maximum specified in subsections (4) or (5).

(e) Blue crab limited entry endorsement trap tag order applications for each license year will only be accepted from February 1 through March 15 of the prior license year, except as specified in paragraph (f).

(f) Additional authorized trap tags not ordered within the time-frame specified in paragraph (e) may only be ordered in blocks of 50 tags.

(g) Blue crab trap tags shall not be issued to blue crab limited entry endorsement holders until all license fees and any other outstanding fees owed the Commission have been paid in full and are current and the tag holder's saltwater products license with valid restricted species endorsement and blue crab limited entry endorsement are not otherwise inactive.

(h) Lost or damaged tags may be replaced using Commission Form DMF-SL4530 (05-05), Blue Crab Trap Tag Replacement Application, incorporated herein by reference, and upon proper verification of loss as provided in paragraph (i). Damaged tags must be immediately returned to the Commission.

(i) As part of the Blue Crab Trap Tag Replacement Application (DMF-SL-4530 (05-05)), the applicant shall provide the tag holder's name, saltwater products license number, blue crab limited entry endorsement number, the number of tags that were lost, location or area where the tags were lost, and circumstances under which the tags were lost.

(8) Effective September 30, 2006, no additional blue crab limited entry endorsements will be issued and no such endorsement will be renewed or replaced except those that were issued pursuant to subsections (4), (5), or (11).

(9) Beginning in the 2007/2008 license year, each holder of a blue crab limited entry endorsement number, or an immediate family member of such holder in the case of an individual, must renew the endorsement number each license year before September 30. Failure to renew the endorsement number by September 30 of any year will result in forfeiture of the endorsement number.

(10) Requalification. Beginning with license year 2009/2010, the holder of a blue crab limited entry endorsement number must requalify for the endorsement number by documenting landings on such endorsement as specified in paragraph (a) or (b) in at least one of the previous three license years. Each endorsement number will then be valid for three years from the date of requalification, but must still be renewed annually as required by subsection (9). Any blue crab limited entry endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) In order to requalify a V-H endorsement number, an applicant for requalification must document landings equal to or exceeding 500 pounds of hard shell blue crabs. Persons wishing to also requalify V-H endorsement numbers on additional saltwater products licenses must document landings equal to or exceeding 7,500 pounds of hard shell blue crabs on each of those licenses.

(b) In order to requalify a V-S endorsement number, an applicant for requalification must document landings equal to or exceeding 750 soft crabs or peeler crabs. Persons wishing to also requalify a V-S endorsement number on an additional saltwater products license must document landings equal to or exceeding 2,500 soft crabs or peeler crabs on that license.

(11) Blue Crab Appeals Board. An appeals board, composed of six members of the Blue Crab Advisory Board and one Commission staff member, shall consider disputes or problems arising from the initial denial of a blue crab limited entry endorsement.

(a) The six members of the appeals board from the Blue Crab Advisory Board shall be elected by members of the Blue Crab Advisory Board, and will consist of five (5) members that qualify for a V-H endorsement number and one that qualifies for a V-S endorsement number, none of which may have appealed their initial blue crab limited entry endorsement award. The Commission staff member shall be appointed by the Executive Director of the Commission.

(b) An appeal of the initial denial of a blue crab limited entry endorsement number is initiated by submission and receipt of a completed appeals application (Form DMF-SL4510 (05-05)) to the Director of the Division of Marine Fisheries Management before September 30, 2005.

(c) The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer during the qualifying years or included in the agency landings database as of August 1, 2003.

(d) Criteria for issuance of blue crab limited entry endorsement numbers by the appeals board on grounds of hardship shall be established by the Blue Crab Advisory Board.

(e) After disputes are considered, a recommendation shall be submitted to the Executive Director of the Commission, or his designee, for resolution of the appeal, which recommendation shall either allot an endorsement number to the appellant or uphold the denial of an endorsement number. Notice will be given in writing to the appellant explaining the reasons for the final decision. The action of the Executive Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(12) Blue Crab Advisory Board. There is hereby established the Blue Crab Advisory Board. Such board shall consider and advise the Commission on the operation of the trap limitation program and any problems in the fishery.

(a) The board shall consist of a member of the Commission staff appointed by the Executive Director of the Commission, and eight members appointed by the Executive Director of the Commission according to the following criteria, except as otherwise provided in paragraph (b).

1. All appointed members other than the commission staff person shall be holders of a blue crab limited entry endorsement holders and shall not have been convicted of any major fishery violations of Chapter 68B-45, F.A.C., within the last six (6) years. At least two shall have blue crab landings equal to or greater than 5,000 pounds during the preceding license year and at least two shall have landings less than 5,000 pounds during such license year.

2. At least five appointed members shall hold a V-H endorsement number, and at least two shall hold a V-S endorsement number.

3. At least one member shall come from each of the following regions of Florida:

a. Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla counties;

b. Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, Pasco counties;

c. Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Collier counties;

d. Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, Monroe counties;

e. Nassau, Duval, Clay, St. Johns, Putnam, Flagler, Volusia, Brevard counties.

(b) If there are not enough individuals that meet the above-referenced criteria, the Executive Director of the Commission of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph (12)(a)3. However, as soon as individuals are available that meet such requirements, the Executive Director of the Commission may reconstitute the board with qualified appointees. The Executive Director of the Commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-45, F.A.C., or who misses more than two scheduled meetings of the board without approval from the board chair with another blue crab fisherman from any region.

(c) Holders of blue crab limited entry endorsement numbers wanting to be considered for appointment to the Blue Crab Advisory Board shall make their request on Commission Form DMF-SL4540 (05-05), incorporated herein by reference.

(d) The staff member of the Commission appointed by the Executive Director of the Commission shall sit on the board as a voting member. The board shall annually elect a chair and a vice chair the first meeting in the calendar year. The

Commission staff member may not serve as either chair or vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership or at the request of the Commission. Official action of the board shall require a majority vote of the total membership of the board members present during a meeting.

(e) Board members shall serve staggered terms of up to three (3) years, provided however, that this shall not apply to the Commission staff member who serves at the pleasure of the Executive Director of the Commission.

(f) Members of the board shall receive no compensation, however, they shall be reimbursed for *per diem* and travel expenses as provided in Section 112.061, Florida Statutes.

(g) Upon reaching a decision on any issue brought before it, the board shall submit such decision as a recommendation to the Executive Director of the Commission. The Executive Director of the Commission may submit said recommendation to the Commission at his or her discretion.

(h) The Board shall have the authority to conduct workshops with fishers to determine what problems exist in the fishery and to make recommendations to the Commission to solve those problems.

(i) On July 1, 2011, the board is dissolved unless extended by the Executive Director of the Commission.

(13) Leasing Prohibited. The leasing or renting of blue crab limited entry endorsement numbers, tags, or traps is prohibited.

(14) Endorsement Holder Responsibility. The holder of a blue crab endorsement number is responsible for the actions of anyone working under that endorsement. All monies or proceeds from the sale of blue crabs landed under the blue crab limited entry endorsement holder's saltwater products license shall be issued only to the endorsement holder.

(15) Transferability. After the initial issuance, the hard shell blue crab (V-H) and soft shell blue crab (V-S) limited entry endorsement numbers are transferable upon approval of the Commission under the following conditions:

(a) The buyer must hold a saltwater products license with a valid restricted species endorsement and a blue crab limited entry endorsement number. If a buyer does not possess a blue crab limited entry endorsement number, they must hold a certificate of completion of the blue crab apprentice program as specified in paragraph (b).

(b) Persons not already holding a blue crab limited entry endorsement number and wishing to purchase such an endorsement number shall complete an apprenticeship program consisting of working no fewer than fourteen (14) days fishing for blue crab with a properly licensed blue crab limited entry endorsement number holder. As evidence thereof, such person must possess a blue crab limited entry apprenticeship form (DFM-SL4550 (05-05), incorporated herein by reference) signed by the endorsement holder

attesting to the applicant having worked no fewer than fourteen (14) days fishing for blue crabs on the endorsement holder's vessel.

(c) A person who wishes to transfer an endorsement number shall submit a notarized statement of intent within 72 hours of the final notarized signature, that has been signed by both parties to the transaction, hand delivered, or sent by United States Postal Service certified mail, return receipt requested, to the Commission. The statement of intent (Form DMF-SL-4560 (05-05), incorporated herein by reference, shall include the following information:

1. The name, address, and SPL number of seller;
2. The name, address, and SPL number of buyer; and
3. The selling price.

(d) A blue crab limited entry endorsement number shall not be issued, transferred, or renewed until all license fees, surcharges, and any other outstanding fees, fines, or penalties owed to the Commission by either party to the transaction have been paid in full.

(16) In the event of the death or permanent disability of a person holding a blue crab endorsement number, the endorsement number may be transferred by the license holder or the executor of the estate to a member of his or her immediate family within 12 months of the date of death or disability and upon payment of all outstanding fees, fines, or penalties to the Commission in full.

(17) No Vested Rights. This blue crab limited entry program does not create any vested rights for endorsement number holders whatsoever and may be altered or terminated by the Commission as necessary to protect the blue crab resource, the participants of the fishery, or the public interest.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

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

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

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Minimum Standards for Mandatory Boating Safety Courses	68D-36
RULE TITLES:	RULE NOS.:
Minimum Requirements for Training Facilities and Instructors	68D-36.004
Minimum Requirements for Boating Safety Courses	68D-36.008
Proof of Successful Completion of the Course	68D-36.009
Purpose	68D-36.101
Definitions	68D-36.102
Minimum Requirements for Training Facilities and Instructors	68D-36.103
Minimum Standards for Boating Safety Courses	68D-36.104
Proof of Successful Completion of Approved Courses and Equivalency Exams	68D-36.105
Violator Courses	68D-36.106
Minimum Training Requirements for Personal Watercraft Rentals	68D-36.107
Florida Boater Education Temporary Certificate Program	68D-36.108

PURPOSE AND EFFECT: This rulemaking updates Chapter 68D-36, F.A.C., to conform the rules to statutory changes made to Sections 327.39, 327.395, 327.54 and 327.731, F.S. It also updates the curriculum to conform it to the current standards of the National Association of State Boating Law Administrators and to current Florida and federal law. The intended effect is to make the rule consistent with current statutory requirements, to clarify the rule and make it easier to understand, and to codify temporary certificate examination program policies and procedures presently imposed by individual contacts.

SUMMARY: This rule repeals Rules 68D-36.004, 68D-36.008, and 68D-36.009, F.A.C., and amends and reenacts the substance of those provisions in Rules 68D-36.101 through 68D-36.107, F.A.C. This rulemaking action updates rule language to conform the rule to statutory changes made to Sections 327.39, 327.395, 327.54 and 327.731, F.S. It updates the curriculum and conforms it to the current standards of the National Association of State Boating Law Administrators and current Florida and federal law. It revises the portions of Rule 68D-36.008, F.A.C., that pertain to rented personal watercraft and other vessels and moves those requirements to a new rule section. This rule also revises the section on proof of successful completion of the course to eliminate obsolete requirements and creates a new rule section to provide guidelines and procedures for administering the FWC's temporary certificate examination program. The effect of this action is to make the rule consistent with current statutory

requirements, to clarify the rule and make it easier to understand, and to codify temporary certificate examination program policies and procedures presently imposed by individual contacts.

SPECIFIC AUTHORITY: 327.04, 327.39, 327.395, 327.54, 327.731 FS.

LAW IMPLEMENTED: 327.39, 327.395, 327.54, 327.731 FS.

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

The Commission believes that the adoption of this rule will have minimal, if any, economic impact. Any person who wishes to provide information regarding the statement of estimated regulatory costs 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 RULES IS: Captain Alan S. Richard, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULES IS:

68D-36.004 Minimum Requirements for Training Facilities and Instructors.

Specific Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History—New 12-27-88, Formerly 16N-36.004, Amended 12-29-96, Formerly 62N-36.004, Repealed _____.

68D-36.008 Minimum Requirements for Boating Safety Courses.

Specific Authority 327.04, 327.395, 327.54, 327.731 FS. Law Implemented 327.395, 327.54, 327.731 FS. History—New 12-27-88, Formerly 16N-36.008, Amended 12-29-96, Formerly 62N-36.008, Repealed _____.

68D-36.009 Proof of Successful Completion of the Course.

Specific Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History—New 12-27-88, Formerly 16N-36.009, Amended 12-29-96, Formerly 62N-36.009, Repealed _____.

68D-36.101 Purpose.

The purpose of this chapter is to state the standards for boating safety courses, indicate the procedure for providing proof of successful course completion, establish requirements for violators, provide training requirements for personal watercraft rentals, and list specific Florida Boater Education Temporary Certificate Program contract provisions.

Specific Authority 327.04, 327.39, 327.395, 327.54, 327.731 FS. Law Implemented 327.39, 327.395, 327.54, 327.731 FS. History—New _____.

68D-36.102 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) “Person” means an individual, partnership, firm, corporation, association, joint venture, syndicate, or any other entity, group, or combination.

(2) “Photographic identification” means a form of identification which includes the following for the individual to whom it is issued:

(a) The individual’s full name.

(b) The individual’s current street address including: the house or lot number; the street name or number; the apartment or unit number if applicable; the city, state and zip code if within the United States; the city, state or province, postal code if applicable, and the country if not within the United States.

(c) The individual’s date of birth.

(d) A photograph not more than six years old of the face of the individual.

(e) The name of the governmental agency, employer, school, training facility, or person that prepared or issued the identification.

(3) “Training facility” means a school or other sponsoring organization that offers to the public boating safety courses that meeting the minimum standards established by the National Association of State Boating Law Administrators.

Specific Authority 327.04, 327.39, 327.395, 327.54, 327.731 FS. Law Implemented 327.39, 327.395, 327.54, 327.731 FS. History—New _____.

68D-36.103 Minimum Requirements for Training Facilities and Instructors.

(1) Training Facility Requirements.

(a) “Training facility” means a school or other sponsoring organization that offers to the public boating safety courses that meet the minimum standards established by the National Association of State Boating Law Administrators.

(b) Each training facility shall require its instructors to demonstrate knowledge of boating safety and the current laws and regulations pertaining to the operation of vessels, as well as teaching skills in the area of boating safety, and shall ensure that all instructors meet the qualifications set forth in subsection (2).

(c) Training facilities should make maximum use of the existing cadre of qualified instructors who have been trained through state boating safety programs, the United States Coast Guard Auxiliary, the United States Power Squadrons, the American National Red Cross, the Young Men’s Christian Association, the United States Coast Guard’s National Boating Safety Course, and other similar public and private boating safety oriented programs.

(d) Each training facility is responsible for maintaining an ongoing quality control program. Training facilities should periodically update or recertify their instructors. Quality of

instruction will be assured through this means with each training facility, or the training facility's sponsoring organization, auditing its own program.

(e) Each training facility must teach a course of instruction, the content of which has received the prior approval of the National Association of State Boating Law Administrators. This approval is valid only for three years. Each training facility or its sponsoring organization must ensure that the course materials are resubmitted for continuing approval so as to avoid a lapse of approved status.

(2) Instructor qualifications.

(a) Each instructor shall have knowledge of boating safety, and the current laws and regulations pertaining to the operation of vessels, as well as teaching skills in the area of boating safety.

(b) Each instructor must have the knowledge, skills, and abilities necessary for the transmittal of the information necessary to implant knowledge of boating safety in students. The following skills, knowledge, and abilities are considered essential for this purpose:

1. Instructor/student communication.
2. Logical thinking.
3. Human relations and human diversity.
4. Lesson planning.
5. Teaching methods.
6. Instructional aids.
7. Handicaps to learning.
8. Evaluation of student performance.

(c) Certifications of instructors for specialized courses such as canoeing, kayaking, boardsailing, etc., that are available through the American National Red Cross, American Canoe Association, and other boating safety oriented programs are recognized. These certifications, however, are in addition to and do not eliminate the necessity of instructors possessing the knowledge, skills, and abilities set forth in paragraph (2)(b), above.

Specific Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History--New _____.

68D-36.104 Minimum Standards for Boating Safety Courses.

(1) Each boating safety course taught pursuant to Section 327.395, F.S. or Section 327.731, F.S., must maintain current approval from the National Association of State Boating Law Administrators and the Florida Fish and Wildlife Conservation Commission.

(a) The National Boating Education Standards established by the National Association of State Boating Law Administrators are hereby adopted by reference.

(b) To ensure continued conformance to the National Boating Education Standards, the Executive Director of the Florida Fish and Wildlife Conservation Commission may

approve reenactment of this rule as necessary to incorporate by reference amendments to the National Boating Education Standards.

(2) In addition to minimum course content adopted by the National Association of State Boating Law Administrators, boating safety courses approved for use in the State of Florida shall contain state-specific information covering the following topics.

(a) Personal Watercraft Requirements.

1. Mandatory wear of personal flotation devices.
2. Age restrictions to operate or rent.
3. Hours of operation restrictions.
4. Wake-jumping concerns and reckless operation.
5. Causes and prevention of personal watercraft accidents.

(b) Boating Safety Identification Cards.

1. Age and engine horsepower requirements.
2. Photographic identification required.

(c) Vessel Safety Regulations.

1. Personal flotation devices for children requirements.
2. Florida's adoption of all federal equipment requirements.

(d) State Divers-Down Flag Requirements.

(e) Water Ski, Parasail, and Aquaplane Regulations.

1. Participants must wear a personal flotation device.
2. Towing vessels must have either an observer or wide-angle rearview mirror.
3. Hours restrictions.

(f) Boating Restricted Areas. Regulatory markers including Idle Speed, Slow Speed, and mile per hour restrictions.

(g) Boating Accidents.

1. Requirements for reporting accidents.
2. Remaining on scene/rendering assistance.

(h) Manatee Awareness.

(i) Ecosystem Awareness.

(3) For each course approved for use in Florida, the training facility must use the following:

(a) A boating safety workbook or text, or the electronic equivalent.

(b) A final exam of not less than 50 questions, including a minimum of 10 Florida-specific questions, with a minimum passing score of 75 percent.

(c) A syllabus or course outline.

(d) A list of course objectives.

Specific Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History--New _____.

68D-36.105 Proof of Successful Completion of Approved Courses and Equivalency Exams.

Individuals who have successfully completed an approved course, including a correspondence course, or an equivalency exam will be issued a boating safety identification card from the Commission that may be carried on the waters of this state as proof of successful completion.

(1) Individuals successfully completing an approved course or passing an approved equivalency exam may submit as proof a certificate from the training facility providing a course approved by NASBLA and the State of Florida. The certificate must include the name of the training facility; date of issue; and the student's first name, middle initial, last name, date of birth, and current mailing address.

(2) Training facilities offering approved courses may submit student rosters to initiate issuance of boating safety identification cards to students who have successfully completed the course. A roster must include the name of the training facility, the date of course completion, and the name of the primary instructor. In addition, the following information must be provided for each student successfully completing the course:

- (a) First name, middle initial, and last name.
- (b) Date of Birth.
- (c) Current mailing address.

Specific Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History—New _____.

68D-36.106 Violator Courses.

(1) Any person convicted of two non-criminal boating violations listed in Section 327.731, F.S., within a twelve-month period must successfully complete any boating safety course approved by the National Association of State Boating Law Administrators and the State of Florida. The course must be successfully completed following the date of second violation. Proof of successful completion must be filed with the Commission, as provided in Rule 68D-36.105, F.A.C., within the 90 days first following the successful completion of the course.

(2) Any person convicted of a boating infraction arising from involvement in a boating accident or convicted of any criminal boating violation must successfully complete any boating safety course approved by the National Association of State Boating Law Administrators and the State of Florida, as provided in subsection (1), and must also complete an approved safe boating course for violators. Violator courses must require approximately 4-hours to complete and must cover, at a minimum, the following topics:

- (a) Florida boating laws.
- (b) Causes and prevention of boating accidents.
- (c) The importance of wearing personal flotation devices.
- (d) The use of common sense and common courtesy.
- (e) Operating defensively.

The violator course may be taken through an approved electronic, on-line, or home-study program by violators residing in areas where classroom presentation of the course is not available.

(3) Until such time as proof of successful course completion has been filed with the Boating and Waterways Section of the Florida Fish and Wildlife Conservation Commission, the person's privilege to operate a vessel in Florida is suspended pursuant to Section 327.731, F.S., and it is unlawful for that person to operate any vessel on waters of the state.

(a) Proof of completion of a violator course required by (2) taken in a classroom setting must include the training facility's and instructor's names, the date of course completion, and the student's complete name, current mailing address, and date of birth.

(b) Proof of completion of a violator course required by (2) taken through an approved electronic, on-line, or home-study course must identify the course provider, the date of course completion, and include the student's complete name, current mailing address, and date of birth.

(c) Proof of successful completion of a violator course must be filed with the Commission on a Certification of Successful Completion of an Approved Boating Safety Course, Form FWC/DLE-238 (10-05).

1. Each instructor who teaches a violator course to a person mandated under Section 327.731, F.S., to successfully complete such a course, must execute a Certification of Successful Completion of an Approved Boating Safety Course, Form FWC 20-238 (Rev. 10/05), for each student who successfully completes the course. Prior revisions of the forms may be used until existing supplies are exhausted.

2. The instructor must place a copy with the student's records and give the original and one copy to the student.

3. The student must, within the 90 days first following the successful completion of the course, file the original with the Commission.

4. The form may be filed electronically, if provided for in an agreement between the Commission and the course provider, or by mail addressed to the Boating and Waterways Section, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 S. Meridian Street, Tallahassee, Florida 32399-1600.

5. Form FWC 20-238 (Rev. 10/05) is hereby incorporated by reference and may be obtained from the Commission at the address specified in subparagraph 4.

(4) This rule section shall take effect October 1, 2005. Until that date, violators successfully completing courses meeting the requirements of Rule 68D-36.104, F.A.C., and filing proof of the same as provided in Rule 68D-36.105, F.A.C., shall be deemed to have satisfied the requirements of Section 327.731, F.S.

Specific Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History—New _____.

68D-36.107 Minimum Training Requirements for Personal Watercraft Rentals.

(1) Any livery offering personal watercraft for lease, hire, or rent must ensure that all individuals intending to operate the personal watercraft have been properly trained in the following topics prior to operation:

(a) Operator responsibility (ethics), courtesy and good judgment on the water.

1. Avoiding careless, reckless, and negligent operation of vessels.

2. The effects of alcohol, controlled substances, and stressors.

(b) Navigation Rules.

1. Maintaining proper lookout.

2. Safe distance and speed.

3. Operating defensively.

4. Requirements to give way to other vessels.

(c) Aids to navigation; buoys and other waterway markers.

(d) Awareness of changes in weather or water conditions and proper responses to those changes.

(e) Waterskiing and similar activities, if applicable to the personal watercraft rented.

1. Must wear personal flotation devices.

2. Must have observer or wide-angle rearview mirror.

3. May not ski between 30 minutes past sunset and 30 minutes before sunrise.

(f) Boating accidents.

1. Causes and prevention of personal watercraft accidents.

2. Legal requirements – remaining on scene; rendering assistance; reporting accidents.

(g) Propulsion, steering, and stopping characteristics of jet-pump vessels.

(h) Location and content of manufacturer's warning labels.

(i) Boarding, falling off, capsizing, and reboarding.

(j) Problems seeing other vessels and being seen by them.

(k) The dangers of wake or surf jumping and other reckless operations.

(l) Noise, nuisances, and other environmental concerns.

(m) Specific personal watercraft safety requirements (wearing personal flotation devices, using kill switch lanyard, location of whistle and fire extinguisher, age requirements for personal watercraft operation, and lawful hours of operation).

(n) Boating safety identification cards; age and engine requirements.

(o) Photographic identification.

(p) Florida divers-down flag requirements.

(q) Manatee awareness (if locally applicable).

(r) Ecosystem awareness based on local issues.

(2) In addition to the topics listed in subsection (1), any livery offering personal watercraft for lease, hire, or rent for off-site use or for daily or longer time periods must ensure that all individuals intending to operate the personal watercraft have been properly trained in the following topics:

(a) Fueling and ventilation.

(b) Trailering and transporting.

(c) Float plans; how and when to complete a float plan.

(d) Specific local hazards; such as large bodies of water, weather, dams, cold water, commercial vessel traffic, etc.

(3) A livery may not lease, hire, or rent a personal watercraft to any person unless the livery either shows a safe operation instructional video tape or displays and reviews both a safe operation instructional poster and brochure with each prospective operator prior to personal watercraft operation. The instructional materials shall contain information on the personal watercraft safety topics identified in subsection (1).

(4) Persons offering a personal watercraft for lease, hire or rent shall conduct an on-the-water demonstration and check ride to verify the prospective operator's ability to safely operate the personal watercraft to be leased, hired, or rented.

Specific Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History—New _____.

68D-36.108 Florida Boater Education Temporary Certificate Program.

(1) Any person administering the Florida Boater Education Temporary Certificate test under contract with the Florida Fish and Wildlife Conservation Commission must:

(a) Strictly comply with all contract provisions.

(b) Obtain from an insurance carrier licensed to do business in this state and carry in full force and effect an insurance policy insuring against any accident, loss, injury, property damage, or other casualty caused by or resulting from any error, omission, negligence, or other act in the performance of any duty under the contract and must have proof of such insurance available for inspection at the location where the Florida Boater Education Temporary Certificate test is administered.

1. The insurance policy must:

a. Provide coverage of at least \$500,000 per person and \$1 million per event.

b. Name the Commission as an additional insured.

c. Stipulate that it cannot be revoked, rescinded, or otherwise cancelled without at least 30 days notice to the Commission.

2. This insurance requirement shall not be construed as a waiver of sovereign immunity nor shall it be construed to modify or enlarge the limited waiver of sovereign immunity provided in Section 768.28, F.S.

3. This insurance requirement is separate from and in addition to the insurance required for personal watercraft liveries in Section 327.54(5), F.S.

(2) Providing Temporary Certificate tests to other companies – Temporary Certificate tests are assigned to individual companies and must not be transferred, sold, borrowed, loaned, or shared.

(3) Providing assistance to examinee during testing – The contractor is prohibited from providing any assistance of any kind to the examinee during the testing and must not allow, suffer, or permit any other person to assist the examinee during the examination. The term “assistance” does not include the provision of reasonable accommodations if required under the Americans with Disabilities Act or s. 501 of the Rehabilitation Act.

Specific Authority 327.04, 327.395, 327.731 FS. Law Implemented 327.395, 327.731 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Captain Alan Richard, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2004

DEPARTMENT OF FINANCIAL SERVICES

OIR Insurance Regulation

RULE TITLES:	RULE NOS.:
Adoption of 2001 Commissioners Standard Ordinary (CSO) Mortality Tables	69O-162.201
Adoption of 2001 Commissioners Standard Ordinary (CSO) Ultimate Mortality Tables for Determining Reserve Liabilities for Credit Life Insurance	69O-162.202

PURPOSE AND EFFECT: To adopt the 2001 Standard Ordinary Mortality Tables into these rules applicable to the Valuation of Life Insurance Policies.

SUMMARY: Proposed Part III of Rule Chapter 69O-162, F.A.C., implements the NAIC Model Regulation recognizing the 2001 CSO Mortality Tables for use in determining minimum reserve liabilities and nonforfeiture benefits. Creates Rule 69O-162.201, F.A.C., providing definitions, incorporating by reference the 2001 CSO Mortality Tables and providing for applicability. Creates Rule 69O-162.202, F.A.C., adopting the 2001 CSO Ultimate Mortality Tables for Determining Reserves for Credit Life Insurance, providing definitions and applicability.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 625.121, 627.476 FS.

LAW IMPLEMENTED: 624.307(1), 625.121, 627.476 FS.

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

TIME AND DATE: 10:00 a.m., April 5, 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 RULES IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

PART III Commissioners Standard Ordinary Mortality Tables

69O-162.201 Adoption of 2001 Commissioners Standard Ordinary (CSO) Mortality Tables.

(1) Scope. This rule shall govern mortality tables for use in reserves as set forth in Section 625.121, F.S.

(2) Purpose. The purpose of this rule is to recognize, permit, and prescribe the use of the 2001 Commissioners Standard Ordinary (CSO) Mortality Table in accordance with Sections 625.121(5)(a)3. and 627.476(9)(h)6., F.S., and paragraphs 69O-164.020(5)(a) and (b), F.A.C.

(3) Definitions.

(a) “2001 CSO Mortality Table” means the mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002), which is adopted herein and incorporated by reference. Unless the context indicates otherwise, the “2001 CSO Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

(b) “2001 CSO Mortality Table (F)” means the mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

(c) “2001 CSO Mortality Table (M)” means the mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

(d) “Composite mortality tables” means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

(e) “Smoker and nonsmoker mortality tables” means mortality tables with separate rates of mortality for smokers and nonsmokers.

(4) CSO Mortality Table.

(a)1. For policies not issued in this state, the 2001 CSO Mortality Table may be used as the minimum standard for valuation purposes on valuation dates on or after the date this rule becomes effective for policies issued on or after January 1, 2005, if that is the basis for nonforfeiture purposes and that is the basis permitted or required for the sale of policies in that state.

2. For policies issued in this state, the 2001 CSO Mortality Table may be used as the minimum standard for valuation and nonforfeiture purposes for policies issued on or after the date this rule becomes effective.

(b) Subject to the conditions stated in this rule, the 2001 CSO Mortality Table shall be used in determining minimum standards for policies issued on and after January 1, 2009, to which Sections 625.121(5)(a)3. and 627.476(9)(h)6., F.S. and paragraphs 690-164.020(5)(a) and (b), F.A.C., are applicable.

(c)1. For policies not issued in this state, the 2001 CSO Mortality Table may be substituted for the 1980 Commissioners Extended Term (CET) Tables for use as the minimum standard for valuation purposes on valuation dates on or after the date this rule becomes effective for policies issued on or after January 1, 2005 if that is the basis for nonforfeiture purposes and that is the basis permitted or required for the sale of policies in that state.

2. For policies issued in this state, the 2001 CSO Mortality Table may be substituted for the 1980 Commissioners Extended Term (CET) Tables for use as the minimum standard for valuation and nonforfeiture purposes for policies issued on or after the date this rule becomes effective if the same election is made with respect to paragraph (a) above.

(5) Conditions.

(a) For each plan of insurance with separate rates for smokers and nonsmokers an insurer may use:

1. Composite mortality tables to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits;

2. Smoker and nonsmoker mortality tables to determine the valuation net premiums and additional minimum reserves, if any, required by Section 625.121(11), F.S., and use composite mortality tables to determine the basic minimum reserves, minimum cash surrender values and amounts of paid-up nonforfeiture benefits; or

3. Smoker and nonsmoker mortality to determine minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits.

(b) For plans of insurance without separate rates for smokers and nonsmokers the composite mortality tables shall be used.

(c) For the purpose of determining minimum reserve liabilities and minimum cash surrender values and amounts of paid-up nonforfeiture benefits, the 2001 CSO Mortality Table may, at the option of the company for each plan of insurance, be used in its ultimate or select and ultimate form, subject to the restrictions of subsection (6) of this rule and Rule 690-164.020, F.A.C., relative to use of the select and ultimate form.

(6) Applicability of the 2001 CSO Mortality Table to Rule 690-164.020, F.A.C.

(a) The 2001 CSO Mortality Table may be used in applying Rule 690-164.020, F.A.C., in the following manner, subject to the transition dates for use of the 2001 CSO Mortality Table in subsection (4) of this rule. Unless otherwise noted, the references in this section are to Rule 690-164.020, F.A.C.:

1. Sub-subparagraph 690-164.020(3)(a)2.b., F.A.C.: The net level reserve premium is based on the ultimate mortality rates in the 2001 CSO Mortality Table.

2. Paragraph 690-164.020(4)(b), F.A.C.: All calculations are made using the 2001 CSO Mortality Rate, and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in subparagraph (6)(a)4. The value of “ q_{x+k+t} ” is the valuation mortality rate for deficiency reserves in policy year $k+t$, but using the unmodified select mortality rates if modified select mortality rates are used in the computation of deficiency reserves.

3. Paragraph 690-164.020(5)(a), F.A.C.: The 2001 CSO Mortality Table is the minimum standard for basic reserves.

4. Paragraph 690-164.020(5)(b), F.A.C.: The 2001 CSO Mortality Table is the minimum standard for deficiency reserves. If select mortality rates are used, they may be multiplied by X percent for durations in the first segment, subject to the conditions specified in sub-sub-subparagraphs 690-164.020(5)(b)2.c.(I)-(IX), F.A.C. In demonstrating compliance with those conditions, the demonstrations may not combine the results of tests that utilize the 1980 CSO Mortality Table with those tests that utilize the 2001 CSO Mortality Table, unless the combination is explicitly required by rule or necessary to be in compliance with relevant Actuarial Standards of Practice.

5. Paragraph 690-164.020(6)(c), F.A.C.: The valuation mortality table used in determining the tabular cost of insurance shall be the ultimate mortality rates in the 2001 CSO Mortality Table.

6. Subparagraph 690-164.020(6)(e)4., F.A.C.: The calculations specified in paragraph 690-164.020(6)(e), F.A.C., shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

7. Subparagraph 69O-164.020(6)(f)4., F.A.C.: The calculations specified in paragraph 69O-164.020(6)(f), F.A.C., shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

8. Subparagraph 69O-164.020(6)(g)2., F.A.C.: The calculations specified in paragraph 69O-164.020(6)(g), F.A.C., shall use the ultimate mortality rates in the 2001 CSO Mortality Table.

9. Sub-subparagraph 69O-164.020(7)(a)1.b., F.A.C.: The one-year valuation premium shall be calculated using the ultimate mortality rates in the 2001 CSO Mortality Table.

(b) Nothing in this subsection shall be construed to expand the applicability of Rule 69O-164.020, F.A.C., to include life insurance policies exempted under paragraph 69O-164.020(3)(a), F.A.C.

(7) Gender-Blended Tables.

(a) For any ordinary life insurance policy delivered or issued for delivery in this state on and after January 1, 2005, subject to the condition stated in sub-subparagraph 627.476(9)(h)5.c., F.S., a mortality table that is a blend of the 2001 CSO Mortality Table (M) and the 2001 CSO Mortality Table (F) may be substituted, at the option of the company for each plan of insurance, for the 2001 CSO Mortality Table for use in determining minimum cash surrender values and amounts of paid-up nonforfeiture benefits. No change in minimum valuation standards is implied by this subsection of the rule.

(b) The company may choose from among the blended tables developed by the American Academy of Actuaries CSO Task Force and adopted by the NAIC in December 2002.

(c) It shall not, in and of itself, be a violation of Section 626.9541, F.S., for an insurer to issue the same kind of policy of life insurance on both a sex-distinct and sex-neutral basis.

Specific Authority 624.308(1), 625.121, 627.476 FS. Law implemented 624.307(1), 625.121, 627.476 FS. History—New _____.

69O-162.202 Adoption of 2001 Commissioners Standard Ordinary (CSO) Ultimate Mortality Tables for Determining Reserve Liabilities for Credit Life Insurance.

(1) This rule is adopted to implement Section 625.121(13), F.S.

(2) This rule applies to credit life insurance policies and certificates, and those similar policies and certificates where there is no identifiable charge made to the debtor.

(3) The purpose of this rule is to:

(a) Recognize the 2001 CSO Male Composite Ultimate Mortality Table for use in determining the minimum standard of valuation.

(b) Specify the interest rate and method to be used in determining the minimum standard of valuation.

(4) Definitions.

(a) “2001 CSO Mortality Table” means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of

Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. The 2001 CSO Mortality Table is included in the Proceedings of the NAIC (2nd Quarter 2002), which is adopted and incorporated herein by reference. Unless the context indicates otherwise, the “2001 CSO Mortality Table” includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

(b) “Composite mortality tables” means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

(c) “Credit Life Insurance” means life insurance as defined in Section 627.677, F.S.

(5) 2001 CSO Male Composite Ultimate Mortality Table.

(a) The minimum standard for both male and female insureds shall be 2001 CSO Male Composite Ultimate Mortality Table.

(b) Where the credit life insurance policy or certificate insures two lives, the minimum standard shall be twice the mortality in the 2001 CSO Male Composite Ultimate Mortality Table based on the age of the older insured.

(6) Minimum Standards.

(a) Rule 69O-164.020, F.A.C., shall not apply to credit life insurance.

(b) The interest rates used in determining the minimum standard for valuation shall be the calendar year statutory valuation interest rates as defined in Section 625.121(6), F.S.

(c) The method used in determining the minimum standard for valuation shall be the commissioners’ reserve valuation method as defined in Section 625.121(7), F.S.

(7) Effective Date.

(a) For policies not issued in this state, the 2001 CSO Mortality Table may be used as the minimum standard for valuation purposes on valuation dates on or after the date this rule becomes effective for policies issued on or after January 1, 2005, and prior to the date this rule becomes effective.

(b) Subject to the conditions stated in this rule, the 2001 CSO Mortality Table shall be used in determining minimum standards for policies issued on and after the date this rule becomes effective.

Specific Authority 624.308(1), 625.121 FS. Law implemented 624.307(1), 625.121 FS. History—New _____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Director, Life and Health Financial Oversight, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2004

DEPARTMENT OF FINANCIAL SERVICES

OIR Insurance Regulation

RULE TITLE: Valuation of Life Insurance Policies
 RULE NO.: 690-164.020

PURPOSE AND EFFECT: To adopt the 2001 Standard Ordinary Mortality Tables into these rules applicable to the Valuation of Life Insurance Policies.

SUMMARY: Existing Rule 690-164.020, F.A.C., is amended to cross reference Rule Chapter 690-162, F.A.C., which adopts by reference the 2001 CSO Mortality Tables for use in determining minimum reserve liabilities and nonforfeiture benefits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

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

LAW IMPLEMENTED: 624.307(1), 625.121(5)(j) FS.

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

TIME AND DATE: 10:00 a.m., April 5, 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 IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: kerry.krantz@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-164.020 Valuation of Life Insurance Policies.

(1) through (2) No change.

(3) Applicability. This rule shall apply to all life insurance policies, with or without nonforfeiture values, issued on or after January 1, 2000, subject to the following exceptions and conditions:

(a) Exceptions.

1. No change.

2.a. No change.

b. Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the CSO valuation tables as defined in paragraph (4)(f), or the ultimate mortality tables specified in subsection 690-162.201(6), F.A.C., and the applicable valuation interest rate; and

c. through (b) No change.

(4)(a) No change.

(b)1. "Contract segmentation method" means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment (from policy inception for the first segment) to the end of the latest policy year as determined below. All calculations are made using the 1980 CSO valuation tables, as defined in paragraph (f), or the mortality tables specified in subsection 690-162.201(6), F.A.C. and, if elected, the optional minimum mortality standard for deficiency reserves stipulated in paragraph (5)(b) of this rule.

2. through (k) No change.

(5) General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves.

(a) At the election of the insurer company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables with select mortality factors or the mortality tables specified in subsection 690-162.201(6), F.A.C. If select mortality factors are elected for use with the 1980 CSO valuation tables, they may be:

1. The 10 year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law; or
2. The select mortality factors in the Appendix.

(b)1. No change.

2. At the election of the insurer company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors or the mortality tables specified in subsection 690-162.201(6), F.A.C. If select mortality factors are elected for use with the 1980 CSO valuation tables, they may be:

a. through c. No change.

(c) through (f) No change.

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

4. Mortality tables specified in subsection 690-162.201(6), F.A.C., may be used.

5.4. However, if select mortality factors are used with the 1980 CSO valuation tables, they shall be the 10 year select factors incorporated into the 1980 amendments of the NAIC Standard Valuation Law.

6.5. Renumbered and no other change.

(d) No change.

(e)1. through 3. No change.

4. For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without 10 year select mortality factors or the mortality tables specified in subsection 69O-162.201(6), F.A.C.

5. through (6) No change.

(f)1. through 3. No change.

4. For purposes of this subsection, the calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10 year select mortality factors or the mortality tables specified in subsection 69O-162.201(6), F.A.C.

5. through 7. No change.

(g) through 1. No change.

2. The guaranteed gross premiums in all n-year periods are not less than the corresponding net premiums based upon the 1980 CSO Table with or without the 10 year select mortality factors or the mortality tables specified in subsection 69O-162.201(6), F.A.C.; and

3. No change.

(h) No change.

(7) through (a) No change.

1. through a. No change.

b. A policy in which the minimum premium at any duration is less than the corresponding 1 year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without 10 year select mortality factors or the mortality tables specified in subsection 69O-162.201(6), F.A.C.; or

c. through d. No change.

~~(8)(9)~~ No change.

Specific Authority 624.308(1), 625.121(5)(j) FS. Law Implemented 624.307(1), 625.121(5)(j) FS. History—New 12-24-03, Formerly 4-164.020, Amended

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Director, Life and Health Financial Oversight, Office of Insurance Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 8, 2004

DEPARTMENT OF FINANCIAL SERVICES

Division of Finance

RULE TITLE: Application Procedure for Mortgage Broker License
RULE NO.: 69V-40.031

PURPOSE AND EFFECT: The rule is being amended to update reference to a newly revised Mortgage Broker application and instructions, revision date of 03/2005. The revised Mortgage Broker application, attached for reference, is being revised as to form only. There is no change to the information applicants are required to complete.

SUMMARY: The rule is being amended to update reference to a newly revised Mortgage Broker application and instructions, revision date of 03/2005. The revised Mortgage Broker application, attached for reference, is being revised as to form only. There is no change to the information applicants are required to complete.

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

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

SPECIFIC AUTHORITY: 215.405, 494.0011(2) FS.

LAW IMPLEMENTED: 120.60(1), 494.0033 FS.

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

TIME AND DATE: 3:00 p.m., Monday, April 4, 2005

PLACE: Room 547, Fletcher Building, 101 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 Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela Epting, Bureau Chief, Bureau of Regulatory Review, 200 East Gaines Street, Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-40.031 Application Procedure for Mortgage Broker License.

(1) Each person desiring to obtain licensure as a mortgage broker shall apply to the Office of Financial Regulation by submitting the following:

(a) A completed Application for Licensure as a Mortgage Broker, Form OFR-MB-101, revised 03/2005 ~~10/99~~, which is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375. The application must be completed and signed within thirty (30) days prior to receipt by the Office;

(b) The statutory nonrefundable application fee required by Section 494.0033, F.S., which shall be the fee for the biennial period beginning September 1 of each odd-numbered year or any part thereof;

(c) A completed fingerprint card accompanied by a \$23 nonrefundable processing fee; and

(d) Evidence that the applicant has completed the mortgage broker education requirements of subsection 494.0033(3), F.S.

(2) through (7) No change.

Specific Authority 215.405, 494.0011(2) FS. Law Implemented 120.60(1), 494.0033 FS. History—New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97, 8-22-99, 12-12-99, 12-11-03, Formerly 3D-40.031, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Epting, Bureau Chief, Bureau of Regulatory Review, 200 East Gaines Street, Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2005

DATE NOTICE OR PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Florida Elections Commission

RULE NOS.:	RULE TITLES:
2B-1.0025	Complaints
2B-1.0027	Investigation of Complaints; Staff Recommendations; and Probable Cause Determinations
2B-1.003	Minor Violations
2B-1.004	Hearing Before the Commission
2B-1.0045	Award of Attorney's Fees
2B-1.005	Appeal of Fines Imposed by Filing Officers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 48 (Nov. 24, 2004) issue of the F.A.W. Form 001, Confidential Complaint, was also changed to obtain more information about the person named in the complaint and to make the form consistent with the rule changes.

2B-1.0025 Complaints.

(8) When the executive director determines that a complaint is legally insufficient, the complainant and the respondent shall be notified. The notice shall include the reason the complaint is legally insufficient and notify the complainant that he has 14 days to correct the stated ground of insufficiency. If the ~~complainant~~ complaint does not respond within 14 days, the executive director shall close the case. If the complainant responds but does not provide information that corrects the stated ground of insufficiency, the complainant and the respondent shall be notified of complainant's right to seek the Commission's review of the executive director's finding that the complaint is legally insufficient.

Specific Authority 106.26(1) FS. Law Implemented 105.071, 106.25 FS. History—New 2-17-91, Amended 11-14-93, 3-19-96, 8-19-96, Formerly 1D-1.0025, Amended 1-11-98, 1-2-02, 2-16-04, _____.

2B-1.0027 Investigation of Complaints; Staff Recommendations ~~Statements of Findings~~; and Probable Cause Determinations.

(1) If a complaint is legally sufficient, it shall be investigated by Commission staff. The staff shall ~~may~~ investigate all violations specifically alleged in the sworn complaint, ~~including the alleged violations listed on the complaint form and the alleged violations that arise from the facts set forth in the complaint.~~

(4) ~~The staff of the Commission shall make a recommendation of whether~~ Considering the report of investigation and relevant documents or other evidence gathered during the investigation, the general counsel or an assistant general counsel, shall prepare a statement of findings. The statement of findings shall set forth sufficient facts revealed during the investigation to support a recommendation to the Commission that there is probable cause or no probable cause in each case to believe that the respondent violated a provision of The Florida Election Code over which the Commission has jurisdiction.

(5) All ~~staff recommendations~~ statements of findings shall be reviewed ~~and signed~~ by the executive director ~~and scheduled for review by the Commission.~~

(8) ~~At the probable cause hearing, The the Commission's determination of probable cause~~ Commission shall be based upon review the complaint, report of investigation, staff recommendations ~~statements of findings submitted by the executive director~~, any written statements submitted by the respondent, and any oral statements made at the probable cause hearing. After the hearing, the ~~The~~ Commission shall ~~then~~:

(c) Return the matter to Commission staff for additional investigation ~~or legal analysis.~~

(9) The Commission clerk shall send a copy of the Commission's order determining probable cause or no probable cause, ~~along with a copy of the statement of findings~~ to the complainant and the respondent.

(11) Any order of probable cause entered by the Commission shall advise the respondent of the right to a hearing pursuant to Chapter 120, Florida Statutes, and the provisions of Rule 2B-1.004, F.A.C., which allow the Commission to designate a Commissioner or Commissioners to hold hear formal and informal hearings involving disputed issues of material fact and hearings not involving disputed issues of material fact.

Specific Authority 104.271(2), 106.26(1) FS. Law Implemented 104.271(2), 106.25, 106.26 FS. History--New 1-12-99, Amended _____.

2B-1.003 Minor Violations.

(2) The following violations are minor violations so long as the requirements of subsection (1) of this rule have been met:

(b) Section 106.023, Florida Statutes, failure of a candidate to file a statement with the filing officer that says he or she has read and understands the requirements of Chapter 106, within ten days after filing his or her appointment of campaign treasurer and designation of campaign depository ~~form~~. A fine of \$100 shall be imposed for each violation.

Specific Authority 106.26(12) FS. Law Implemented 106.26(12) FS. History--New 1-11-99, Amended 2-14-00, 1-2-02, _____.

2B-1.004 Hearings Before the Commission.

(1) If a respondent who is entitled to a ~~formal~~ hearing involving disputed issues of material fact does not elect to proceed before the Division of Administrative Hearings, and the Commission does not refer the case to Division of Administrative Hearings, the executive director shall schedule the ~~formal~~ hearing before the Commission.

(2) At the time the hearing is scheduled, the Chairman shall issue a pre-hearing order form, Pre-hearing Order, FEC 002, effective _____, which is hereby adopted and incorporated by reference. The order shall require the parties to file a joint pre-hearing statement at least five working days before the scheduled hearing date. The pre-hearing order shall provide the date of the hearing and the date the pre-hearing statement must be filed. The pre-hearing order shall require the parties to confer and file a joint pre-hearing statement that provides the following information:

(b) A stipulation by the parties setting forth:

5. An estimate of the time that each party believes shall be necessary to present the ~~formal~~ hearing to the Commission.

(5) When necessary to secure the just, speedy, and inexpensive determination of a case, the Chairman shall direct that one or more Commissioners hear any ~~formal~~ hearing involving disputed issues of material fact, any, informal hearing not involving disputed issues of material fact, or any dispositive motion hearing.

(a) Designation of the specific Commissioner or Commissioners to hold hear a formal hearing involving disputed issues of material fact, informal hearing not involving disputed issues of material fact, or dispositive motion hearing shall be made only by a majority of the Commissioners voting.

(c) The designated Commissioner or Commissioners shall hear the evidence and argument presented by the parties during a ~~formal~~ hearing involving disputed issues of material fact, a informal hearing not involving disputed issues of material fact, or a dispositive motion hearing.

(6) Upon the Commission's determination of the outcome of a case after a ~~formal~~ hearing involving disputed issues of material fact or after reviewing the report of the designated Commissioner or Commissioners, the Commission's counsel shall prepare a proposed final order.

Specific Authority 106.24(5), 106.26 FS. Law Implemented 106.24(5), 106.26 FS. History--New 1-11-99, Amended 1-2-02, _____.

2B-1.0045 Award of Attorney's Fees.

(1) If the Commission determines that a complainant has filed a complaint against a respondent with a malicious intent to injure the reputation of such respondent by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation Chapter 104 or 106, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the ~~complaint complainant~~, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees.

(3) At a ~~an informal~~ hearing, the Commission shall determine whether the petition contains sufficient facts and grounds to support a claim for cost and attorney's fees. If the petition does not contain sufficient facts and grounds to support such a claim, the Commission shall dismiss the petition. If the petition contains sufficient facts and grounds to support such a claim, the Commission shall order a ~~formal~~ hearing involving disputed issues of material fact be held before the Commission or a Commissioner or Commissioners designated by the Commission, or refer the petition to the Division of Administrative Hearings for a ~~formal~~ hearing.

Specific Authority 106.24(5), 106.26 FS. Law Implemented 106.26(5) FS. History--New _____.

2B-1.005 Appeal of Fines Imposed by Filing Officers.

(4) The Commission shall uphold the fine imposed by the filing officer unless the appealing party presents credible evidence that the report was timely filed or credible evidence that there were unusual or other ~~such~~ circumstances beyond the control of the candidate or committee that caused the report to be filed late. Credible evidence is evidence that is from a credible source and is so natural, reasonable and probable as to make it easy to believe. The Commission shall give greater

(i) Order – Federal Communications Commission orders referenced in Section 365.172 (3)(m), Florida Statutes.

(j) Owner Agency – A state entity vested with title to State-owned Property.

(k) Owner Representative – The agency serving as title-holder, managing entity or agency employee with oversight responsibilities regarding State-owned real estate.

(l) Preliminary Determination of Availability – Initial site evaluation by the Provider for viability of a specific site and suitability by the Owner Agency and Managing Agency before proceeding with the Availability assessment.

(m) Provider – A private person or entity who is subject to the requirements of an Order and provides E911 Service in this state.

(n) Request For Locations – A Provider’s written request to the Department to locate an E911 Service on state-owned land or buildings in a defined area within the state.

(o) Service – Commercial mobile radio service as defined in Section 365.172(3)(s), Florida Statutes.

(p) State-owned Property – Real or personal property, structures or buildings, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida or any agency (as defined in Section 255.502(3), Florida Statutes), except those properties for which the Department of Transportation serves as the owner-representative, on behalf of the Owner Agency, excluded as set forth in Rule 60H-9.003, F.A.C. for State-owned Property acquired for transportation purposes.

(q) Viable – A determination by a Provider that a specific state-owned property is acceptable for their needs as a site to place a tower with antenna or antenna on an existing state-owned structure.

(r) Wireless Communication Antenna Support Structure – A structure, including related equipment, intended to support wireless communication equipment used in the provision of Service. Wireless Communication Antenna Support Structures are generally described as either monopole (freestanding), lattice (self-supporting), guyed (anchored with guy wires or cables) or camouflaged (disguised so as to not appear to be an antenna support structure).

(s) Wireless Communication Antenna – A device designed to transmit or receive communications authorized by the Federal Communications Commission (FCC).

(t) Wireless Communication Facility – Any equipment or facility used to provide E911 Service, including Wireless Communication Antenna, Wireless Communication Antenna Support Structure, accessory equipment enclosures, and ancillary cabling, brackets, and other such ancillary equipment.

(2) Other terms shall have their commonly understood meaning.

Specific Authority 365.172(11)(e) FS. Law Implemented 365.172(3) FS.

60H-9.002 Intent.

The State of Florida supports the use of State-owned Property for the siting of Wireless Communication Facilities for the purpose of supporting the E911 Systems. The siting of such facilities entails a balanced approach between the ability of providers to locate wireless facilities necessary to comply with E911 System requirements using the Provider’s own network and the Availability of State-owned Property as determined by current and future use of land, local government requirements, agency functions, and public welfare goals. Co-location of more than one antenna per tower is encouraged where there are multiple antennae or structure siting requests for the same location. The process to lease State-owned Property for a Wireless Communication Facility shall be a three-step process consisting of the Preliminary Determination of Availability, the Final Determination of Availability, and the negotiated and, if agreed, the execution of the ~~L~~ease ~~a~~greement.

Specific Authority 365.172(11)(e) FS. Law Implemented 365.172(3) FS.

60H-9.003 Properties Acquired for State Rights-of-Way and Transportation Purposes Excluded.

This chapter shall not include property for which the Florida Department of Transportation serves as the owner-representative, on behalf of an Owner Agency, for State-owned Property acquired for state rights-of-way and for transportation purposes for which leases are granted pursuant to Section 337.251, Florida Statutes.

Specific Authority 365.172(11)(e) FS. Law Implemented 365.172(3) FS.

60H-9.004 Requests for Locations and Determination of Availability.

(1) Overview. The Department will negotiate leases between the Providers and Owner Agencies or subleases between the Providers and Managing Agencies (if the State-owned Property is under an existing lease agreement) for the installation of Wireless Communications Facilities following a Determination of Availability by the Division of State Lands (acting as agent for the Owner Agency, the Board of Trustees of the Internal Improvement Trust Fund) or other Owner Agency, as well as from the Managing Agency when applicable, as described below.

(2) All Owner and Managing Agencies of State-owned Property shall provide contact information to the Department and the Department shall advise Providers of the appropriate contact information. A Provider shall initially submit a Request for Locations to the Department which, in turn, shall forward the request to the Owner Agency and Managing Agency with responsibility for the subject property. All Managing Agencies that perform as the owner-representative, on behalf of an Owner Agency, for real property not excluded as set forth in Rule 60H-9.003, F.A.C., ~~acquired for~~

~~transportation purposes~~ shall provide a contact individual to the Department. Contact information and the Request for Locations shall be submitted to:

Department of Management Services
 Facilities Program Director
 Division of Facilities Management and Building Construction
 4050 Esplanade Way
 Building 4030, Suite 380
 Tallahassee, Florida 32399-0950

(3) Provider shall communicate with the Managing Agency, followed by communication with the Owner Agency, to discuss the availability of the subject State-owned Property for the requested placement of a Wireless Communication Facility. If requested by the Provider, a physical site review shall be scheduled to determine if the site is viable for placement of a Wireless Communications Facility.

(4) Once a Provider has located a viable site, the Preliminary Determination of Availability process begins, which involves the Provider, Owner Agency and Managing Agency. The Provider shall submit a written request for Preliminary Determination of Availability to the Managing Agency, Owner Agency and the Department Facilities Program. The Department shall accept, on a first come, first served basis, the written request for Preliminary Determination of Availability. The request for Preliminary Determination of Availability shall contain sufficient basic evaluation information as follows:

- (a) Information regarding the business of Provider, including services provided, qualification as a legal entity to transact business in Florida, and required governmental entity licenses;
- (b) Location of the proposed site with general description,
- (c) Type of proposed Wireless Communication Facility including a sketch of proposed project with placement on the premises;
- (d) Build out size of any proposed antenna support structure;
- (e) Proposed Project schedule;
- (f) Letter from the Owner Agency and the Managing Agency acknowledging the potential of the proposed site.

(5) If more than one request for Preliminary Determination of Availability is filed for the same State-owned Property, applications for the same general type of facility (e.g. two applications for a Wireless Communication Antenna Support Structure or two applications for the placement of Antennas on the same building) in the same general location on the Property; shall be processed on a first come, first served basis, as determined by the date a completed request for Preliminary Determination of Availability is received by the Department Facilities Program.

(6) After review of the Provider's request pursuant to section (4) above, the Owner Agency and Managing Agency shall make a Preliminary Determination within sixty (60) days as to whether the State-owned Property is potentially available as a site for the proposed Wireless Communication Facility. Such determination shall be based on the following evaluation criteria:

- (a) Whether the placement and operation of the proposed wireless communications facility will interfere with the current or planned future use of the State-owned Property;
- (b) Whether the placement and operation of the proposed Wireless Communications Facility will compromise or negatively impact the operation, security, or function of the agency currently managing the State-owned Property; and
- (c) Whether the placement and operation of the proposed Wireless Communications Facility is in the best interest of the State, balancing the benefits of the Owner and Managing Agency's mission, safety of the public and the benefits of reliable E911 Service.

(7) If the Preliminary Determination of Availability by the Owner Agency is that the property is Available, but the Managing Agency makes a Preliminary Determination of Availability that the property is not available, the Provider may request a meeting with the Managing Agency to seek to change the Preliminary Determination. After such meeting, if the Preliminary Determination by the Managing Agency is not changed, the request shall be considered denied.

(8) If the Preliminary Determination by the Owner Agency is that the property is not available, the Preliminary Determination of Availability request shall be considered denied.

(9) If the Preliminary Determination by the Owner Agency and Managing Agency is that the State-owned Property is Available, the Provider shall submit the following additional documentation at its own expense to the Owner Agency and Managing Agency for a Final Determination of Availability:-

- (a) Construction Drawings must contain:
 - 1. A scaled site plan of the proposed leased or subleased premises clearly indicating the location, type, cross-section and height of the proposed Wireless Communication Facility, on-site land uses, adjacent land uses, proposed means of access, setbacks from property lines, and parking;
 - 2. Time frame for building the proposed facility;
 - 3. Other information applicable to the proposed lease or sublease premises and the subject structure, including the following: grading of the property; sanitary and storm sewers requirements; paving and retaining walls; water; gas and electric distribution systems; and extra-ordinary excavation or foundations; and
 - 4. A description of the status of compliance or the ability to comply with the requirements of this section and all applicable federal, state, or local laws, ordinances, and

regulations, including applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations; and

5. For proposed Wireless Communication Antenna Support Structures or portions of the facility to be placed on the ground:

a. A signed and sealed boundary or field survey of the proposed lease or sublease premises on which the support structure and equipment will be located, with legal description of the property proposed to be leased or subleased, which also indicates access to adjacent roadways, and

b. Elevation drawings of the proposed Communication Antenna Support Structure and any other structures associated with the proposed Wireless Communication Facility,

c. A landscape plan of the proposed leased or subleased premises showing specific landscape materials.

d. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(b) For proposed Wireless Communication Antenna Support Structures, a ~~notarized~~ statement by Provider as to whether construction of the Antenna Support Structure will accommodate the co-location of additional antennas for future users.

(c) A signed and sealed document completed by an engineer licensed to perform engineering services in the State that all applicable structural requirements will be met.

(d) A ~~notarized~~ statement by the Provider that the Wireless Communication Facility will provide E911 Service.

(10) Subsequent to the provision of the above-required documentation the Owner Agency and Managing Agency will conduct an initial review of Provider's information for sufficiency. The Managing Agency shall ~~review the Lease Agreement and~~ provide any security, access, or other site-specific language necessary to protect the interests of the Managing Agency for inclusion in the Lease aAgreement. The Owner Agency and the Managing Agency will inform Provider of the need for any additional information, review and reporting requirements necessary due to statutory, legal, or internal requirements.

(11) The Owner Agency and Managing Agency will each provide written notification to Provider of the agency's Final Determination regarding the property's availability.

Specific Authority 365.172(11)(e) FS. Law Implemented 365.172(3) FS.

60H-9.005 Negotiation of Lease Agreement.

(1) After the Provider obtains written notification of Preliminary Final Determination from the Owner Agency and Managing Agency that the identified property is Available, the Provider shall submit to the Department a written request to initiate the review of the Lease aAgreement ~~and to initiate for~~ negotiations of the lease fee. Copies of the request shall be sent to the Owner Agency and the Managing Agency. Such request shall attach the proposed Lease aAgreement for the identified

State-owned Property including any additional language requested by the Managing Agency regarding security, access or other site-specific issues necessary to protect the Managing Agency's interests and copies of the Preliminary Final Determination documents. The process of negotiating the terms and conditions of the lease agreement shall be done simultaneously with the preparation by the Provider of those materials required to be submitted to the Owner Agency and Managing Agency pursuant to subsection 60H-9.004(9), F.A.C.

(2) Upon receiving a proposed Lease aAgreement with written notification(s) of Final Determination, the Department shall review for sufficiency, identify missing information required of the Provider and enter into negotiations with the Provider when the Lease aAgreement is completed. Upon notification by the Department of incomplete documentation to negotiate execute a Lease aAgreement, the Provider shall have 90 45 days to complete the remaining requirements as defined by the Department in accordance with Rule Chapter 60H-9, F.A.C. A completed proposed Lease aAgreement shall address conditions and technical specifications, as described below. The date and time of receipt of the written request for Preliminary Determination of Availability by the Department will determine the order of review of each specific site for the Lease aAgreement.

(3) When the proposed lease agreement request is found to be complete, copies of the completed request shall be provided to the Owner Agency and the Managing Agency. The Owner Agency and the Managing Agency shall provide to the Department any objections to the proposed lease agreement within thirty (30) days of receipt of such notice. Any objections by the Owner Agency or Managing Agency shall be considered in lease agreement negotiations by the Department. Objections shall be provided by registered mail to:

Department of Management Services
Facilities Program Director
Division of Facilities Management and Building Construction
4050 Esplanade Way
Building 4030, Suite 380
Tallahassee, Florida 32399-0950

(4)(3) The Department shall negotiate each proposed Lease aAgreement as follows:

(a) All leases or subleases for use of telecommunication facilities on State owned Property not excluded as set forth in Rule 60H-9.003, F.A.C. ~~acquired for purposes shall be on a Lease Agreement~~ approved by the Department. The Department's approval must be obtained in accordance with this rule chapter for each lease agreement pursuant to Section 365.172(11)(e), Florida Statutes, for all State-owned property not excluded as set forth in Rule 60H-9.003, F.A.C.

(b) Lease agreements shall take into account the specific site, the type of facility proposed, and the technical and leasing requirements of the proposing Provider, as well as any additional language required by the Managing Agency regarding security, access or other site-specific issues necessary to protect the Managing Agency's interests. The Lease Agreement shall address terms and conditions and technical specifications, including the following subjects, as applicable under the facts pertaining to each proposed location requirements:

1. Definition of the lease type as to land for a tower, building rooftop or collocation on existing vertical structure;
2. The parties to the agreement Access rights for the Provider to the State-owned Property;
3. Description of the real property or structures being leased to the Provider Defined time for terms and any extended terms of the Lease Agreement;
4. Notice requirements, including addresses Defined requirements for any fees and payments under the Lease Agreement, including clearly defined rental terms and fees;
5. Description of easements for access rights and utilities for the Provider to the State-owned Property; Requirements that the Provider is responsible for payment of all required taxes, obtaining all required permits, and providing a Project Manager to coordinate with all government entities;
6. Defined time for terms and any extended terms of for assignment and subleasing under the Lease Agreement;
7. Termination provisions Defined terms and conditions for subleasing or licensing tower space for collocation of other Providers' equipment;
8. Defined rRequirements for any fees and payments under the lease agreement, including clearly defined rental terms, rent escalation amounts and other necessary fees installation, maintenance and repairs of installed equipment by the Provider;
9. Provider requirements for payment of all required taxes, obtaining all required permits, and providing a Project Manager to coordinate with all government entities A Statement regarding compliance with the regulatory requirements of all regulatory agencies;
10. Defined terms for assignment and subleasing under the Lease Agreement A Statement defining ownership of real property;
11. Defined terms and conditions for subleasing or licensing tower space for collocation of other Providers' equipment Requirements for notification for approval of all material modification of the facilities on leased property and associated additional rent;
12. Requirements for installation, maintenance and repairs of installed equipment by the Provider Requirements for collocation of additional wireless communication equipment and services;

13. A statement regarding compliance with regulatory requirements of all regulatory agencies Requirements for equipment removal at termination of lease agreement or abandonment and restoration of property;

14. A statement defining ownership of real and personal property Requirements for entry by Sublessor to subleased property and fire and casualty damage responsibilities;

15. Requirements for notification for approval of all material modification of the facilities on leased property and the potential for additional rent for security and subcontractor or subcontractor agent access;

16. Requirements for collocation of additional wireless communication equipment and services covering asbestos containment and performance bonds;

17. Requirements for equipment removal at termination of lease agreement or abandonment and restoration of property covering compliance with Chapter 119, the Florida Public Records Act;

18. Requirements for entry by Sublessor to subleased property and fire and casualty damage responsibilities for dispute resolution;

19. Requirements for security and subcontractor or subcontractor agent access insurance, general liability, Workers' Compensation, commercial auto liability and owner's contractor coverage, with no provisions for waiver;

20. Requirements regarding asbestos containment A statement that the Provider will indemnify the parties for any claims arising out of the lease or sublease;

21. Requirements for tower removal performance bonds covering default and termination;

22. Requirements regarding compliance with Chapter 119, F.S., the Florida Public Records Act covering maintenance, lighting, marking, inspection, utilities, environmental conditions, waiver of liens, and force majeure;

23. Requirements for dispute resolution A site plan of the leased property, diagrams of proposed tower or installation of antenna, survey of leased property and technical specifications of the proposal;

24. Requirements for the prevention of radio frequency interference by the parties A copy of any lease agreement on the property currently in place, including leases with the Board of Trustees of the Internal Improvement Trust Fund; and

25. Requirements for insurance, general liability, Workers' Compensation, commercial auto liability and owner's contractor coverage; Signatures required to execute the Lease Agreement.

Department of Management Services
 Facilities Program
 Division of Facilities Management and Building Construction
 4050 Esplanade Way
 Building 4030, Suite 380
 Tallahassee, Florida 32399-0950

26. Requirements for indemnification by the Provider arising out of the lease or sublease, and assistance of investigation;

27. Requirements regarding default under the lease agreement, cure provisions, remedies upon default, and termination of the lease agreement;

28. General requirements covering authority of the parties, permitting, governing law, severability, commencement and effective dates;

29. Requirements for maintenance and repairs of the facilities of the Provider;

30. Requirements for tower lighting, marking, and signage;

31. Requirements for inspection of the property and buildings and other necessary due diligence activities by the Provider;

32. Requirements for utility service to service Provider's facilities;

33. Conditions precedent and subsequent for all required governmental approvals by Provider, and continued technical compatibility, and termination rights associated therewith;

34. Rights of the parties upon sale of the underlying property;

35. A description of environmental conditions of the underlying property or building and responsibilities for remediation of environmental conditions;

36. Condemnation provisions;

37. Casualty provisions;

38. Waiver of liens and rights of Provider to finance or collateralize its facilities;

39. Covenant of quiet enjoyment in favor of Provider;

40. Recording provision;

41. Successors in interest;

42. Force majeure;

43. Proper exhibits, including a site plan of the leased property, diagrams of proposed tower or antenna installation, survey of the leased property and technical specifications of the proposal;

44. A copy of any lease agreement on the property currently in place, including leases with the Board of Trustees of the Internal Improvement Trust Fund; and

45. Signatures of the parties required to execute the lease agreement.

~~(b) Lease Agreements shall be submitted in writing to the Director, with copies to the Owner Agency and Managing Agency and state with reasonable particularity why the change or addition is necessary and in the best interest of the State. The Owner Agency and/or Managing Agency shall provide to the Department any objections to the request for change within thirty (30) days of receipt of such notice. Notice shall be provided to by registered mail to:~~

Department of Management Services

Facilities Program Director

Division of Facilities Management

and Building Construction

4050 Esplanade Way

Building 4030, Suite 380

Tallahassee, Florida 32399-0950

~~(e) The Department's approval must be obtained in accordance with this rule chapter for each Lease Agreement pursuant to Section 365.172(11)(e), F.S., for all State-owned property not purchased for transportation purposes.~~

~~(c)(d) The Department, or its designated representative,~~ shall negotiate reasonable fees for leasing State-owned property that reflect the market rate for the type of facility or geographic location of the property. Rental rate will be derived from use of set rate schedules, and other reasonable means of determining fair market value for the specific location and placement in question and as described in subsection ~~(5)(4)~~ below. Distribution of Lease Agreement proceeds between the Owner Agency and Managing Agency shall be defined in and pursuant to the Lease Agreement. In cases of a Lease Agreement between a Provider and an Owner Agency, the Owner Agency shall receive 100% of the proceeds.

~~(d)(e) If agreement is reached, the Department will circulate the negotiated Lease Agreement among the Owner Agency, Managing Agency and Provider for final signature and execution.~~

~~(5)(4) If the Department and the Provider are unable to negotiate a satisfactory lease or sublease rental rate, the parties may mutually agree on the selection of a licensed appraiser to assist in minimizing differences between the parties. The appraisal shall be non-binding and the expense of said appraiser shall be borne solely by the Provider. The Appraiser shall conduct an appraisal study to establish the fair market rate for use of the Property based upon the geographic area and type of Wireless Communication Facility, which is the subject of the lease or sublease. If the parties are unable to negotiate a satisfactory lease or sublease, whether an appraisal is conducted or not, negotiations shall be terminated. DMS will then undertake negotiations based on a first-come, first-served basis with the next Provider, who has filed a written request for Preliminary Determination of Availability and thereafter, if necessary, with the next Providers.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Owen, Senior Management Analyst II, Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-0439, Suncom 278-3239, e-mail: owenj@dms.state.fl.us

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NOS.:	RULE TITLES:
61G3-16.0010	Examination for Barber Licensure
61G3-16.007	Examination for Restricted Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule, as noticed in Vol. 31, No. 2, January 14, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.:	RULE TITLE:
61J1-4.001	Education Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 37, of the September 10, 2004, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on February 7, 2005, voted to make changes to the rule to address the JAPC concerns.

The changes are as follows:

1. In subsection (8), add the word "or" between the words "colleges and community." Also, change "and" to "or" between "commissions, and proprietary"
2. In subsection (10), add the phrase "as of January 29, 2004," between "Writing Guidelines, and incorporated."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Liz Vieira, Executive Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 37, of the September 10, 2004, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on February 7, 2005, voted to make changes to the rule to address the JAPC concerns.

The changes are as follows:

1. Subsection (4)(d) shall read: The examination shall comply with the Item Writing Guidelines as of January 29, 2004, incorporated herein by reference.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Liz Vieira, Executive Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-2.029	Examination Areas of Competency

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 35, August 27, 2004, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-5.018	Vacancies in Office

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 BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-5.019	Responsibility for Registration Status

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 BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:	RULE TITLE:
61J2-5.020	Execution of Papers by Corporation

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 BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-6.006 RULE TITLE: Employment by More than One Entity

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 BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-14.012 RULE TITLE: Broker's Records

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 FINANCIAL SERVICES

Division of Risk Management

RULE NO.: 69H-2.004 RULE TITLE: Certificate of Coverage

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed Rule 69H-2.004, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 50, December 10, 2004, of the Florida Administrative Weekly, with the first Notice of Change having been published in Vol. 31, No. 6, February 11, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

The text of form 864A in Section V has been modified to read: V. Deductibles

"The Fund will reduce the payments for property damage to the insured by any applicable deductible amount when the law enforcement officer is determined to be at fault in causing property damage to the insured motor vehicle."

"Any proceedings to appeal the determination of fault will be pursued with the employing agency."

"The Fund will adjust the deductible amount at the beginning of each fiscal year, upon consultation with the state agencies that employ the covered law enforcement officers. The amount of the deductible shall not exceed \$500 per incident." The remainder of the rule reads as previously published.

**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 583, LOTS OF LUCK RULE NO.: 53ER05-32

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 583, "LOTS OF LUCK," 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:

- 53ER05-32 Instant Game Number 583, LOTS OF LUCK.
- (1) Name of Game. Instant Game Number 583, "LOTS OF LUCK".
- (2) Price. LOTS OF LUCK lottery tickets sell for \$1.00 per ticket.
- (3) LOTS OF LUCK 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 LOTS OF LUCK 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 LOTS OF LUCK 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 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVN	12 TWELV
13 THRTN	14 FORTN	15 FIFTN	16 SIXTN	17 SVNTN	18 EGHTN
19 NINTN	20 TENTY				



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

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

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

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	TWENTY
\$25.00	\$100	\$2,000			
THY FIVE	ONE HUN	TWO THO			

(7) The legends are as follows:

YOUR NUMBERS WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either 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 five sets of matching numbers. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100 and \$2,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a LOTS OF LUCK lottery ticket which

entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.



(b) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall be entitled to a prize of \$25.00.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 583 are as follows:

GAME PLAY:	WIN:	ODDS OF	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL:
TICKET	\$1 TICKET	1 IN:	1,008,000
\$1	\$1	10.00	100,800
\$1 x 2	\$2	30.00	33,600
\$1 x 5	\$5	75.00	13,440
\$2 x 5	\$10	150.00	6,720
\$5 x 3	\$15	300.00	3,360
\$5 x 4	\$20	300.00	3,360
\$25 (MONEYBAG)	\$25	300.00	3,360
(\$5 x 4) + \$10	\$30	3,600.00	2,800
\$10 x 5	\$50	7,200.00	1,400
\$20 x 5	\$100	24,585.37	410
\$100 x 5	\$500	560,000.00	18
\$2,000	\$2,000	1,008,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 583 are 1 in 3.79. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 583, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a LOTS OF LUCK lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for LOTS OF LUCK 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 2-25-05.

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

EFFECTIVE DATE: February 25, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 580, STASH OF CASH RULE NO.: 53ER05-33

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 580, "STASH 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:

53ER05-33 Instant Game Number 580, STASH OF CASH.

(1) Name of Game. Instant Game Number 580, "STASH OF CASH."

(2) Price. STASH OF CASH lottery tickets sell for \$2.00 per ticket.

(3) STASH 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 STASH 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 STASH 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 "YOUR NUMBERS" play symbols and play symbol captions are as follows:

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



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

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

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

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

(7) The legends are as follows:

HINNING 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 10 sets of matching numbers.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a STASH OF CASH lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.



(c) 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 580 are as follows:

GAME PLAY:	WIN:	ODDS OF	NUMBER OF
FREE TICKET	\$2 TICKET	1 IN:	WINNERS IN
			42 POOLS OF
			180,000 TICKETS
			PER POOL:
\$2	\$2	10.00	756,000
\$2 x 2	\$4	37.50	201,600
\$1 + (\$2 x 2)	\$5	25.00	302,400
\$5	\$5	37.50	201,600
\$1 + (\$2 x 2) + \$5	\$5	37.50	201,600
\$10	\$10	75.00	100,800
(\$1 x 8) + \$2	\$10	150.00	50,400
\$10	\$10	150.00	50,400
\$25	\$25	150.00	50,400
(\$5 x 2) + (\$10 x 4)	\$50	1,800.00	4,200
\$5 x 10	\$50	1,800.00	4,200
\$50 (DOLLAR BILL)	\$50	450.00	16,800
\$10 x 10	\$100	3,600.00	2,100
(\$25 x 2) + \$50 (DOLLAR BILL)	\$100	3,600.00	2,100
\$100	\$100	3,600.00	2,100
(\$20 x 6) + (\$10 x 3) + \$50 (DOLLAR BILL)	\$200	12,000.00	630
\$100 x 10	\$1,000	630,000.00	12
\$1,000	\$1,000	630,000.00	12
\$1,000 x 10	\$10,000	3,780,000.00	2
\$10,000	\$10,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 580 are 1 in 3.88. 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 580, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a STASH OF CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for STASH 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 2-25-05.

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

EFFECTIVE DATE: February 25, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 573,
CORVETTE® CASH

RULE NO.: 53ER05-34

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 573, “CORVETTE® 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:

53ER05-34 Instant Game Number 573, CORVETTE® CASH.

(1) Name of Game. Instant Game Number 573, “CORVETTE® CASH.”

(2) Price. CORVETTE® CASH lottery tickets sell for \$5.00 per ticket.

(3) CORVETTE® 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 CORVETTE® 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 CORVETTE® 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 “YOUR NUMBERS” play symbols and play symbol captions are as follows:

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
7	8	9	10	11	12
SEVEN	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	THYTWO	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 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE
13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN
19 NINETEEN	20 TWENTY	21 TWENTYONE	22 TWENTYTWO	23 TWENTYTHREE	24 TWENTYFOUR
25 TWENTYFIVE	26 TWENTYSIX	27 TWENTYSEVEN	28 TWENTYEIGHT	29 TWENTYNINE	

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

\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN	\$15.00 FIFTEEN
\$25.00 TWENTYFIVE	\$50.00 FIFTY	\$75.00 SEVENTYFIVE	\$100 ONE HUNDRED	\$200 TWO HUNDRED	\$500 FIVE HUNDRED
\$1,000 ONE THOUSAND	\$10,000 TEN THOUSAND	\$100,000 ONE HUNDRED THOUSAND			



CAR

(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.

(b) 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, \$100,000 and "CAR".

(c) A ticket that entitles a claimant to a prize of a



"CAR" shall be entitled to a prize of one Corvette convertible including applicable federal withholding tax, sales tax, dealer preparation charges, vehicle registration and title fees. Any additional federal, state and/or local taxes or other fees are the responsibility of the winner. The Florida Lottery provides no warranty for the Corvette convertible. Any warranties and guarantees are those of the manufacturer only.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 573 are as follows:

GAME PLAY:	WIN:	ODDS OF 1 IN:	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL:
\$1 x 5	\$5	30.00	168,000
(\$1 x 3) + \$2	\$5	30.00	168,000
\$1 + (\$2 x 2)	\$5	30.00	168,000
\$5	\$5	30.00	168,000
\$1 x 10	\$10	60.00	84,000
\$2 + (\$4 x 2)	\$10	60.00	84,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	84,000
\$1 + (\$2 x 2) + \$5	\$10	120.00	42,000
\$10	\$10	120.00	42,000
\$1 x 15	\$15	60.00	84,000
\$15	\$15	60.00	84,000
\$5 x 5	\$25	300.00	16,800
(\$5 x 3) + \$10	\$25	400.00	12,600
\$5 + (\$10 x 2)	\$25	300.00	16,800
(\$2 x 5) + \$5 + \$10	\$25	300.00	16,800
(\$1 x 5) + (\$2 x 10)	\$25	400.00	12,600
\$25	\$25	600.00	8,400
\$50	\$50	120.00	42,000
\$5 x 15	\$75	20,000.00	252
\$5 + (\$10 x 7)	\$75	20,000.00	252
(\$5 x 5) + \$50	\$75	20,000.00	252
(\$10 x 5) + \$25	\$75	20,000.00	252
\$75	\$75	20,000.00	252
\$10 + (\$15 x 6)	\$100	3,000.00	1,680
(\$5 x 10) + (\$10 x 5)	\$100	1,200.00	4,200
\$25 x 4	\$100	2,000.00	2,520
(\$25 x 2) + \$50	\$100	2,000.00	2,520
\$100	\$100	4,285.71	1,176
\$50 x 10	\$500	50,400.00	100
(\$25 x 10) + (\$50 x 5)	\$500	50,400.00	100
\$500	\$500	50,400.00	100
\$100 x 10	\$1,000	2,520,000.00	2
\$200 x 5	\$1,000	2,520,000.00	2
(\$50 x 10) + (\$100 x 5)	\$1,000	2,520,000.00	2
\$500 x 2	\$1,000	2,520,000.00	2
\$1,000	\$1,000	2,520,000.00	2
\$1,000 x 10	\$10,000	2,520,000.00	2
(\$500 x 10) + (\$1,000 x 5)	\$10,000	2,520,000.00	2
\$10,000	\$10,000	2,520,000.00	2
Corvette Convertible (CORVETTE)	Corvette	504,000.00	10
\$100,000	\$100,000	2,520,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 573 are 1 in 3.83. 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 573, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) Procedures for Claiming a Corvette Prize. A player who has won a Corvette shall claim his or her prize as follows. The claimant should complete the information section on the back of a winning CORVETTE® CASH ticket. The claimant must file a claim with a Lottery office and complete a Winner Claim Form DOL 173-2, revised 10/03, or Spanish Winner Claim Form DOL 173-S, revised 10/03, and a completed Internal Revenue Service Form W-9, Request for Taxpayer Identification Number and Certification, revised 01/05. The Winner Claim Forms are incorporated herein by reference and

may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. The Internal Revenue Service Form W-9 is incorporated herein by reference and may be obtained at any Lottery office, from the Florida Lottery's website at www.flalottery.com, by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service. The risk of loss or late delivery of a claim submitted by mail remains with the player. Prizes must be claimed within sixty days following the official end of game date of the CORVETTE® CASH instant lottery game. Prior to receipt of a Corvette, the claimant must also complete a Release Form DOL-400. Release Form DOL-400 Revised 2/05, is incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(13) Procedures for Awarding a Corvette Prize.

(a) Upon the Lottery's receipt of the Corvette winner's executed Release Form, the Florida Lottery will notify the fulfillment company, which will arrange for delivery of the Corvette to the designated authorized Corvette dealership at which the winner will take possession of his or her Corvette prize. The designated dealership will be as near the winner's place of residence as is practicable. The winner must present proof of vehicle insurance, as required by Chapter 320, Fla. Stat., and proof of a valid driver license. If the winner is unable to provide proof of a valid driver license, the Corvette must be removed by trailer or similar transport equipment provided by the winner or be driven by a person who is able to provide proof of a valid driver license. The winner must take possession of the Corvette within thirty days of receipt of notification that it is ready for pickup at the designated dealership. If the winner fails to take possession of the Corvette within thirty days of pickup notification, unless prior alternate arrangements have been made, the Corvette prize will be forfeited and no cash prize will be substituted. The winner must also execute and have notarized Acceptance Form DOL-449, revised 2/05, at the dealership prior to the receipt of the Corvette. Acceptance Form DOL-449 is incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939. The cost of travel to take possession of a Corvette prize shall be the responsibility of the prizewinner.

(b) Cash will not be awarded in lieu of Corvette prizes except that the Florida Lottery reserves the right, due to unavailability of Corvettes, to award cash prizes equal to the total value of a Corvette prize (approximately \$59,500 plus applicable Federal Withholding Tax).

(c) In the event cash prizes are awarded, applicable Federal Withholding Tax shall be deducted from the cash prize, and any other taxes shall be the responsibility of the winner.

(d) If the winner of a Corvette is identified as owing an outstanding debt to a state agency or child support collected through a court, the debt will be collected in lieu of award of the Corvette. If the debt is an amount less than the cash value of the Corvette prize, the winner shall receive the excess cash value once applicable Federal Withholding Tax has been deducted and the debt has been satisfied. If the debt is an amount greater than the cash value of the Corvette prize, the entire cash value of the prize remaining after deduction of applicable Federal Withholding Tax will be applied toward the outstanding debt as provided in Section 24.115, Florida Statutes.

(e) If a player who has claimed a Corvette prize by presenting a winning ticket to a retailer or Lottery district office and obtaining issuance of claim tickets fails to complete the process of submitting the Winner Claim Form and the Release Form so that they are received by the Lottery by the 90th day following the official end of game date of the CORVETTE® CASH instant game, the Corvette prize will be forfeited.

(14) By purchasing a CORVETTE® CASH lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(15) Payment of prizes for CORVETTE® 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 2-28-05.

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

EFFECTIVE DATE: February 28, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Overtime Compensation RULE NO.: 53ER05-35

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for compensation for employees filling included positions and OPS employees performing similar duties and for employees filling excluded positions other than those in Executive Management.

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:

53ER05-35 Overtime Compensation.

(1) Employees filling included positions and OPS employees performing similar duties shall be paid for overtime. Overtime payments shall be computed at a rate of one and one-half (1-1/2) times the employee's regular hourly rate for hours of work, excluding holidays and leave with pay, in excess of forty (40) in a workweek or in excess of the number of hours in an extended work period. An employee shall work overtime hours only as authorized by management.

(2) Employees filling excluded positions other than those in Executive Management shall accrue regular compensatory time on an hour for hour basis for all hours of work in excess of the established hours in the monthly pay period or extended work period, excluding holidays and leave with pay, which are performed at the request of management. An employee shall not accrue more than one hundred sixty (160) regular compensatory hours in a fiscal year. All hours in excess of one hundred twenty (120) on July 1 of each fiscal year shall be forfeited, unless a waiver has been approved pursuant to subsection 53ER05-36(4), F.A.C., *Overtime/Compensation for Excess Hours of Work.*

(3) This emergency rule shall supersede Rule 53-13.008, *Overtime Compensation, F.A.C.*

Specific Authority 24.105(9)(j), 24.109(1) FS. Law Implemented 24.105(19)(d) FS. History—New 3-1-05, Supersedes 53-13.008 F.A.C.

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

EFFECTIVE DATE: March 1, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Overtime Compensation
 RULE NO.: 53ER05-36

SUMMARY OF THE RULE: This emergency rule establishes the classifications and clarifies overtime for included and excluded positions.

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:

53ER05-36 Overtime/Compensation for Excess Hours of Work.

(1) Each classification shall be designated as "included" or "excluded."

(a) For included positions overtime is defined as hours of work, excluding holidays and leave with pay, in excess of forty (40) hours during the established workweek, or in excess of the number of hours in an extended work period.

(b) For excluded positions, hours of work, excluding holidays and leave with pay, in excess of the established hours in the monthly pay period or extended work period shall be compensated as described in subsections (4) through (6) below.

(2) An employee who is filling an included position shall be paid for all overtime at a rate which is one and one-half (1 1/2) times the employee's regular hourly rate of pay.

(3) Payment for overtime shall be made immediately following the pay period during which the overtime was worked.

(4) An employee who is filling an excluded position, other than an executive management position, shall accrue regular compensatory leave credits on an hour for hour basis for all hours required to be worked in excess of the established hours in the monthly pay period or extended work period. An employee shall not accrue in excess of one hundred sixty (160) regular compensatory leave credits in a fiscal year. All regular compensatory leave credits in excess of one hundred twenty (120) hours will be forfeited on July 1, unless a waiver has been approved by the Secretary. The conditions under which the Secretary shall approve a waiver are:

(a) The employee's workload has prevented the employee from utilizing the excess compensatory leave credits; and

(b) The excess compensatory leave credits are earned within the sixty (60) day period prior to July 1.

(5) No cash payment shall be made to an employee filling an excluded position for unused regular compensatory leave credits. However, holiday compensatory leave credits can be accrued in addition to any regular compensatory leave credits, and if such employee separates from employment with the Lottery or joins Lottery Executive Management prior to being granted such leave, the employee shall be paid for all unused holiday compensatory leave credits in accordance with the provisions of this chapter.

(6) When an employee moves from a position in a class requiring the granting of regular compensatory leave credits to any other position in the Lottery, any unused regular compensatory leave credits shall be transferred.

(7) This emergency rule shall supersede Rule 53-16.004, *F.A.C., Overtime.*

Specific Authority 24.105(9)(j), 24.109(1) FS. Law Implemented 24.105(19)(d) FS. History—New 3-1-05, Supersedes 53-16.004, F.A.C.

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

EFFECTIVE DATE: March 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."

Section V

Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

NOTICE OF WITHDRAWAL – The Department of Education, Commission for Independent Education hereby gives notice that the Petition for Waiver and Variance for Florida Academy of Pet Grooming, License # 2243, seeking a waiver or variance of subparagraph 6E-2.004(6)(a)2., F.A.C., as noticed in Vol. 30, No. 48, on November 24, 2004, Florida Administrative Weekly has been withdrawn.

NOTICE OF WITHDRAWAL – The Department of Education, Commission for Independent Education hereby gives notice that the Petition for Waiver and Variance for American Bartending School, License #549, seeking a waiver or variance of Rule 6E-2.004, F.A.C., as noticed in Vol. 30, No. 48, on November 24, 2004, Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Gulf Power Company's petition for waiver of subparagraphs 25-6.100(2)(c)1., 2. and 4., Florida Administrative Code, for its Flatbill rate schedule filed on November 1, 2004, in Docket No. 041307-EI, was approved by the Commission at its January 4, 2005, Agenda Conference. Order No. PSC-05-0083-PAA-EI, issued January 24, 2005, memorialized the decision. The rule prescribes certain requirements for customer billing. The waiver was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. The Commission also determined that Gulf Power Company's alternative request for a Declaratory Statement was rendered moot by its approval of the rule waiver. Notice of the petition was published in the FAW on November 24, 2004.

A copy of the Order can be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770, Commission's Homepage: <http://www.floridapsc.com>.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on February 22, 2005, South Florida Water Management District (District) received a petition for waiver from Miami-Dade County, Application No. 04-0701-1, for utilization of Works or Lands of the District known as the C-1W Canal, Miami-Dade County for proposed bridge widening within the rights-of-way of C-1W at S. W. 184th Street, Miami-Dade County, Sections 35, Township 55 South, Range 39 East. The petition seeks relief from paragraph 40E-6.221(2)(j) and subsections 40E-6.011(4),(6), F.A.C., which governs bridge low member elevation and the placement of permanent and/or semi-permanent above ground structures within staging areas and within 40 feet of top of canal bank within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: kruff@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on February 14, 2005, the Division of Hotels and Restaurants received a Petition for Routine Variance for paragraph 61C-4.010(7)(e), F.A.C., from Ben & Jerry's located in Boca Raton. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. They are requesting to use the one existing bathroom facility but have seating for 22 people, which include seating inside, and seating in an outside common area.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 21, 2005, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 100.3a and 101.6 and , ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, F.A.C., which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE, Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Laguna at Riviera Dunes II (Petition VW 2005-010).

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.

NOTICE IS HEREBY GIVEN that on February 24, 2005, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 100.3a and 101.6 and, ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, F.A.C., which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc, requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: OLCC E. Village, Bldg. 82000 (Petition VW 2005-013).

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed on behalf of Cynthia E. Gregario, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 53, of the December 30, 2004, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on January 22, 2005, and the Board considered the Committee's recommendation at its meeting held on February 5, 2005, in Miami, Florida. The Board's Order, filed on February 25, 2005, grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed on behalf of Abdul R. Kani, M.D. The Notice of Petition for Variance/Waiver was published in Vol. 30, No. 53, of the December 30, 2004, F.A.C. The Credentials Committee considered the Petition at its meeting held on January 22, 2005, and the Board considered the Committee's recommendation at its meeting held on February 5, 2005, in Miami, Florida. The Board's Order, filed on February 18, 2005, grants the petition for variance/waiver of Rule 64B8-5.001, F.A.C., finding that the Petitioner has demonstrated a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

The **Department of State**, Cultural and Heritage Services announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, March 31, 2005, 2:00 p.m.

PLACE: Miami-Dade County Health Department, Beacon Center Conference Room, 8323 N. W. 12th Street, Suite 212, Miami, FL 33126, (786)336-1259

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites and media, establish project schedules and set the next meeting dates for Art in State Buildings Project No. DOH 9813/7350, Miami-Dade County Health Department in Little Haiti, North Miami.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Art in State Buildings Program, 500 South Bronough Street, Room 405, Tallahassee, Florida 32399-0250, (850)245-6476.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by Cultural and Heritage Services.

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: Dana DeMartino, (850)245-6477. If you are hearing or speech impaired, please contact the Florida Relay, 711.

The **Department of State, Division of Cultural Affairs**, Florida Arts Council announces public meetings to which all persons are invited:

DATES AND TIME: April 6-7, 2005, 9:00 a.m. – conclusion, each day

PLACE: Tallahassee-Leon County Civic Center, 505 West Pensacola Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Florida Arts Council and hold a joint planning meeting with the Florida Folklife Council and Florida Historical Commission.

ACTION TO BE TAKEN: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present,

and written minutes will be taken although no formal action will be taken. If you have questions, please call (850)245-6473.

A copy of the agenda may be accessed at the Division of Cultural Affairs' website: www.Florida-Arts.org or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473, e-mail: dalborm@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 1st day of April 2005, if you need an accommodation. Accommodations can be arranged through Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddemartino@dos.state.fl.us.

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold a telephone conference call to which all interested persons are invited to participate.

NACW Convention Committee

DATE AND TIME: March 22, 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 **Department of Agriculture and Consumer Services**, Florida Citrus Production Research Advisory Council announces a General Meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, March 22, 2005, 9:30 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 disability or for directions, please call: (863)956-1151.

The **Florida Tobacco Advisory Council** announces a meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, March 22, 2005, 5:00 p.m.

PLACE: Suwanee County Extension Service Conference Room, 1302 11th Street, Live Oak, FL 32060, (386)362-2771

GENERAL SUBJECT MATTER TO BE CONSIDERED: For the advisory council to discuss general business, marketing, and research proposals for 2005.

If you need special accommodations due to disability, please call: Marshall Wiseheart, (850)488-4366

The Florida **Department of Agriculture and Consumer Services** announce a meeting with the Florida Shrimp Working Group.

DATE AND TIME: Thursday, March 24, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: Hampton Inn Westshore Hotel, 4817 West Laurel Street, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Shrimp Industry Meeting – The purpose of this meeting is to receive recommendations from the industry regarding marketing and education efforts.

For additional information, or if you need special accommodations due to disability, please call: Casie Oliver, (850)488-0163.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited:

DATE AND TIME: Monday, April 4, 2005, 12:30 p.m.

PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss consumer-related issues and proposed legislation for the 2005 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited:

DATE AND TIME: Tuesday, April 5, 2005, 1:30 p.m.

PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Repair Advisory Council will be meeting to discuss consumer-related issues and proposed legislation for the 2005 Florida session addressing issues of interest to consumers.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

The Florida **Department of Agriculture and Consumer Services, Office of Agricultural Water Policy** announces a public meeting which all interested parties are invited.

DATE AND TIME: Thursday, March 17, 2005, 11:30 a.m.

PLACE: Hurricane Building, 8400 Picos Road, Ft. Pierce, Florida 34945

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final draft of Plant Nursery Best Management Practices (BMP's) with initial focus in South Florida within the boundaries of the South Florida Water Management District, to be later adopted statewide.

For further information contact: Mr. Ken Kuhl or Mr. Bob Clark, Office of Agricultural Water Policy, 1203 Governor Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)488-6249.

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

DEPARTMENT OF EDUCATION

The **K-20 Education Safety Partnership** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 15, 2005, 10:00 a.m. – 4:00 p.m.

PLACE: Safe Schools Institute, 1790 N. W. Spanish River Boulevard, Boca Raton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the K-20 Education Safety Partnership.

The K-20 Education Safety Partnership welcomes participation from any interested members of the public.

Any person who desires a copy of the proceedings should arrange to tape the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is requested to advise Lorraine Allen, Office of Safe Schools, (850)245-0416, at least five calendar days before the meeting.

The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The Strategic Planning/Educational Policy Committee will meet. The regular meeting of the Board will occur after the Strategic Planning Committee meeting.

DATE AND TIME: March 24, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: Marshall Center, University of South Florida, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuing discussion of the Board’s Strategic Plan and missions of the universities, including reports on geographic access, degree production and targeted programs, and data on cost per degree; Report from the Leadership Board on the economic impact of research; rulemaking process for the Board and the state universities; bonding issues for the State University System; Status Report and follow-up on Action Plan and financial audits, FAMU; Consideration of: Doctor, Physical Therapy, UF; Amended 2005-2006 State University System Fixed Capital Outlay Legislative Budget Request-Three Year PECO Project Priority List; Amended 2005-2006 State University System Fixed Capital Outlay Legislative Budget Request-Five Year Capital Improvement Plan; Amended 2005-2006 State University System Fixed Capital Outlay Legislative Budget Request – Approval to Sell Bonds; 2005-2006 Implementing Bill Language; Amended 2005-2006 State University System Fixed Capital Outlay Legislative Budget Request – Approval of Financing and Acquisition of Facilities by Direct Support Organizations; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Department of Education’s website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The **Florida Covering Kids Coalition** announces a Conference Call to which all interested persons are invited to participate.

DATE AND TIME: Friday, March 18, 2005, 1:00 p.m. – 4:00 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items include: Review of open enrollment period, recommendations to policies, Year 4 of grant, and sustainability opportunities.

For call-in information or a copy of the agenda contact: Jodi Ray, CKF Project Director, (813)974-3143.

The **Florida Center for Nursing** to convene summit of nursing leaders to which all interested persons are invited to participate.

DATE AND TIME: Friday, March 4, 2005, 10:00 a.m. – 4:00 p.m.

PLACE: Embassy Suites, Orlando, FL

For additional information contact: Cathy, (407)823-0981.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Communities Trust** hereby gives notice that there will be a meeting of the Governing Board at the time, date and place shown below.

DATE AND TIME: March 30, 2005, 10:00 a.m. – 12:00 Noon

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Communities Trust Governing Board Meeting.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact: Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704, Suncom 292-1704, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704, SunCom 292-1704

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 4 announces a public hearing to which all persons are invited.

DATE AND TIMES: March 31, 2005, 5:00 p.m. – Open House; 7:00 p.m. – Presentation

PLACE: New River Middle School Cafeteria, 3100 Riverland Road, Fort Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the recommended alignment alternative and the potential social, economic, and environmental effects of State Project Number 411189-2-22-01, Federal-Aid Number 5951-532I, otherwise known as the Central Broward East-West Transit Alternatives Analysis. The study area is located in central Broward County,

Florida, and the general boundaries are Oakland Park Boulevard, the Weston/Sawgrass area, Griffin Road, and the Intracoastal Waterway.

The Central Broward East-West Transit Alternatives Analysis evaluated a “no build” alternative; a “baseline,” or Transportation System Management, alternative; and an alternative providing premium transit service along several alignments in the corridor. Premium service along the following alignment is recommended:

Originating near Sawgrass Mills and the Office Depot Arena, this alignment runs south on 136 Avenue to I-595. The alignment runs along the southern right-of-way of I-595 to State Road 7. Turning north on State Road 7, the alignment runs to Broward Boulevard and then turns east and continues into Downtown Fort Lauderdale. At Andrews Avenue, the alignment turns south and runs to the Fort Lauderdale/Hollywood International Airport, where it terminates. (Note: The exact alignment is to be identified during the preliminary engineering phase of the project.)

Public participation is solicited without regards to race, color, religion, sex, age, national origin, disability or familial status.

Anyone needing project or public hearing information or special accommodation under the Americans With Disabilities Act of 1990 should write to the address given below or call telephone number (954)315-1037. Special accommodation requests under the Americans With Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Ms. Karen Kiselewski, Carter & Burgess, Inc., 6363 N. W. 6th Way, Suite 300, Fort Lauderdale, Florida 33309.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: April 14, 2005, 8:30 a.m.

PLACE: Burns Building Auditorium, 605 Suwannee St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call: Christine Jones, (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.”

DEPARTMENT OF CITRUS

The **Department of Citrus** announces a emergency public meeting of the Fresh Orange and Specialty Advisory Council to which all persons are invited.

DATE AND TIME: Friday, March 18, 2005, 10:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, FL 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to begin planning for the 2005-06 season and to discuss any other business which may appropriately come before the council.

If you would like to attend this meeting via telephone conference you may do so by calling 1(888)461-8118.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone at (863)499-2500.

The **Department of Citrus** announces a public meeting of the Health and Nutrition Research Advisory Council to which all persons are invited.

DATE AND TIME: Tuesday, March 22, 2005, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: There will be a meeting to discuss new direction for health and nutrition messages for future marketing and public relations benefit. The Council will also discuss any other issues that may properly come before the Council.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Bill Jones at the above address or by telephone at (863)499-2500.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *March 28, 2005, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

* In the event of a scheduling conflict, this meeting may be rescheduled to March 29, 2005, in Room 140, immediately preceding or immediately following the Commission Conference.

THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: March 29, 2005, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and

Operations), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a hearing 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.

DATES AND TIME: March 30-April 1, 2005, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the 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., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on March 18, 2005. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: March 24, 2005, 5:45 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: March 24, 2005, 6:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: Program Committee

DATE AND TIME: March 24, 2005, 6:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Program Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: March 24, 2005, 7:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

PLACE: Quality Inn and Conference Center, I-75 and U.S. 90, Lake City, Florida

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by contacting: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653, e-mail: ncfrpc@ncfrpc.org.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 16, 2004, 9:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council (beginning at 10:00 a.m.) and an Orientation Session for new Council members (beginning at 9 a.m.)

A copy of the agenda may be obtained by writing: Mr. Jeff Jones, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751, website: www.ecfrpc.org.

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, Florida Statutes, should, at least 48

hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, April 11, 2005, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, April 11, 2005, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, April 11, 2005, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency on Bay Management

DATE AND TIME: Thursday, April 12, 2005, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency on Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, April 25, 2005, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location.)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he 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 based.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, March 24, 2005, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue, East, Suite 1, Blountstown, FL 32424, (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will 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.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces public meetings to which all persons are invited.

DATE AND TIME: March 24, 2005, 12:00 Noon (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Committee meeting – to discuss land management and acquisition matters.

DATE AND TIME: March 24, 2005, 1:00 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Forever Workshop – to discuss grant criteria modifications and tabled items from the February 26, 2004, Insurance Committee.

DATE AND TIME: March 24, 2005, 12:00 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Governing Board meeting – to consider District Business.

DATE AND TIME: March 24, 2005, 12:15 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Hearing for the Consideration of Regulatory Matters.

PLACE: Apalachicola National Estuarine Research Reserve, 261 7th Street, Apalachicola, Florida

A copy of the agendas may be obtained by contacting Carolyn Wise, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999, website: www.state.fl.us/nwfwmd.

If any person decides to appeal any decision with respect to any matter considered at the above-cited meetings, 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 or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

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: Friday, March 18, 2005, 9:00 a.m.

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL

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 **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

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

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Solicit Public Input.

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 or 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 meetings to which all interested persons are invited.

BASIN BOARD LAND RESOURCES COMMITTEE MEETING (Note: This is a change of location from what was originally published in the year-long calendar.)

DATE AND TIME: Wednesday, March 23, 2005, 9:30 a.m.

PLACE: Flatwoods Park, 14320 Morris Bridge Road, Thonotosassa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

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 **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, March 21, 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: Water Resources Advisory Commission (WRAC) Initial Water Reservations Issues Workshop.

A copy of the agenda may be obtained at: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: <http://www.sfwmd.gov/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 District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Rick Smith, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

EXPRESSWAY AUTHORITIES

The **Transportation and Expressway Authority Membership of Florida** (TEAMFL) announces a public meeting to which all persons are invited.

Toll Operations, Engineering, Finance and Public Involvement Break-out Sessions

DATE AND TIME: Tuesday, April 12, 2005, 2:00 p.m. – 5:00 p.m.

Quarterly General Meeting

DATE AND TIME: Wednesday, April 13, 2005, 9:00 a.m. – 12:00 Noon

PLACE: Center for Professional Development, 555 West Pensacola Street, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: 1. “Legislative Report By House and Senate Members”; 2. “Managed Lanes for Florida”; 3. “For Whom the Road Tolls”; 4. “An Overview of All the Florida Authorities’ Initiative in the Legislative ARENA”

Additional information can be obtained at WWW.TEAMFL.ORG or from Robert C. Hartnett, Executive Director, 2121 Camden Road, Suite B, Orlando, Florida 32803, (407)896-0035, Fax (407)897-7012.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Health** in collaboration with the Florida **Department of Elder Affairs** announces a public hearing to which all persons are invited.

DATE AND TIME: March 28, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Elder Affairs, Room 225F, 4040 Esplanade Way, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Special Needs Shelter Interagency Stakeholders’ meeting hosted by the Office of Long-Term Care Policy to develop and negotiate any necessary interagency agreement or policy related to improving the statewide response to special needs sheltering.

To obtain a copy of the agenda, or to submit information please contact: Karen Eaton, 4052 Bald Cypress Way, Bin #C27, Tallahassee, Florida 32399-7000, (850)245-4740, e-mail: Karen_Eaton@doh.state.fl.us. All materials, information or comments must be submitted electronically.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation at this hearing because of a disability, hearing or physical impairment should contact Karen Eaton at least five (5) calendar days prior to the meeting using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** (AHCA) has scheduled a Medicaid Research Conference to which all interested persons are invited to participate.

DATE AND TIME: Friday, March 11, 2005, 8:30 a.m. – 4:15 p.m.

PLACE: DoubleTree Hotel, 101 South Adams Street, Tallahassee, FL (There is no charge for the Conference.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of Conference will be to explore issues related to Medicaid Research in an environment of reform.

Interested parties planning to participate in the Conference are asked to confirm their attendance with Holiday Alig with the University of Florida, Florida Center for Medicaid and the Uninsured.

The contact number is (352)273-5059, e-mail: halig@phhp.ufl.edu.

The **Agency for Health Care Administration** announces a meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, April 13, 2005, 10:30 a.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations for drugs to be included on the Preferred Drug List are made at this meeting.

Any attendee requiring special accommodation because of a disability or physical impairment should contact the Marriott, (813)879-5151, at least five days prior to the meeting.

Members of the public who wish to testify at this meeting must contact: Julie Davis, (850)487-4441. The number of speakers will be limited and will be accommodated in order of notification to Ms. Davis. Because of unforeseen events that may cause changes, interested parties are encouraged to watch the website at http://www.fdhc.state.fl.us/Medicaid/Prescribed_Drug/index.shtml. Procedures for speakers to follow are also available on the website.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Technology Office** announces a public meeting of the Florida Region 800 MHz Committee Meeting to which all persons are invited.

DATE AND TIME: May 16, 2005, 9:00 a.m.

PLACE: Adams Mark Hotel, 225 Coast Line Drive East, Jacksonville, Florida (Room location will be listed in the lobby.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Florida Region 800 MHz Committee (FCC Region 9) agenda. The meeting will take place in conjunction with the Florida APCO chapter meeting in Jacksonville. The primary agenda items include: status of licensing, status of MA channels, approval of next plan amendment, update on homeland security issues, status of the 800 MHz relocation plan and update on other items that may arise.

A formal agenda will be provided on the day of the meeting.

For more information contact: Ray Carlson, Chairman, Florida Region 800 MHz Committee, 3228 Gun Club Road, West Palm Beach, Florida 33406, (561)688-3514, e-mail: carlsonr@pbso.org.

If you are hearing or speech impaired, please contact the same office by using the Florida Relay Service, 1(800)955-8771 (TDD).

The **State Technology Office** announces a public meeting of the Florida Region 700 MHz Committee Meeting to which all persons are invited.

DATE AND TIME: May 16, 2005, 1:00 p.m.

PLACE: Adams Mark Hotel, 225 Coast Line Drive, East, Jacksonville, Florida (Room location will be listed in the lobby.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Florida Region 700 MHz Committee (FCC Region 9) agenda. The meeting will take place in conjunction with the Florida APCO chapter meeting in Jacksonville. The primary agenda items include: status of 700 MHz licensing, status of the Florida Region Plan for 700 MHz, an explanation of CAPRAD, annual business duties of the Regional Committee and election of Officers.

A formal agenda will be provided on the day of the meeting.

All committee members, potential major system users, frequency coordinators, equipment vendors and other interested parties are invited to attend this session.

For more information contact: Ray Carlson, Chairman, Florida Region 700 MHz Committee, 3228 Gun Club Road, West Palm Beach, Florida 33406, (561)688-3514, e-mail: carlsonr@pbso.org. If you are hearing- or speech-impaired, please contact the same office by using the Florida Relay Service, 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Florida **Board of Architecture and Interior Design** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: March 29, 2005, 1:00 p.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32259

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

Pascale Duwat, Case No. 2003-094635

David Jass, Case No. 2004-043282

Levine, Cadlerin & Associates, Case No. 2004-046406

Randall Marks, Case No. 2003-081766

Jarvis Nelson Osorio, Case No. 2004-045403

Eduardo Rousell, Case No. 2004-009209

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, FL 32308-4893.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Construction Industry Licensing Board**, Probable Cause Panel announces a meeting to which all interested persons are invited to participate.

DATE AND TIMES: March 22, 2005, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation** will hold the following meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, April 13, 2005, 1:00 p.m.

PLACE: Embassy Suites Orlando Downtown, 191 East Pine Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff of the Department of Business and Professional Regulation will be conducting a continuing education provider

seminar. Presenters will include department staff, members of the Construction Industry Licensing Board Continuing Education Committee, and counsel for the board.

Additional information may be obtained by writing: Construction Industry Licensing Board, 1940 North Monroe Avenue, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD), 1(800)955-8770 (Voice).

The Florida **Board of Funeral Directors and Embalmers** announces the following meeting, to be held by telephone conference call, which all persons are invited to attend.

DATE AND TIME: March 21, 2005, 10:00 a.m. Eastern Time

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, Toll free 1(877)651-3473 (outside of Tallahassee), direct (850)413-9245, Suncom 293-9245.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 North Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Professional Engineers** and the Florida Engineers Management Corporation announces a public meeting of the Board Operations Committee to conduct the business of the Board and Corporation, to which all persons are invited.

DATE AND TIME: Wednesday, March 23, 2005, 1:00 p.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board Operations Committee to conduct general business of the Board and Corporation.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

The **Florida Business Partners for Juvenile Justice** announce a conference call to which all interested persons are invited to participate.

DATE AND TIME: March 2, 2005, 2:00 p.m. – 4:00 p.m.

PLACE: (850)921-5320, Suncom 291-5320

DEPARTMENT OF HEALTH

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: March 18, 2005, 2:00 p.m.

PLACE: Meet Me Number (850)922-2903, Suncom 292-2903

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), 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, March 31, 2005, 5:00 p.m.

PLACE: Wyndham Westshore, 4860 W. Kennedy Blvd., Tampa, FL 33609, (813)286-4400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine** and **Board of Osteopathic Medicine**, Anesthesiologist Assistant Committee announces a meeting to which all persons are invited. This meeting will also be held via telephone conference.

DATE AND TIME: Thursday, March 31, 2005, immediately following the Rules/Legislative Committee Meeting (approximately 7:00 p.m.)

PLACE: Wyndham Westshore, 4860 West Kennedy Blvd., Tampa, FL 33609, (813)286-4400

PLACE: Meet me Number: Contact Florida Board of Medicine, (850)245-4131, website: www.doh.state.fl.us/mqa for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, April 1-2, 2005, 8:00 a.m.

PLACE: Wyndham Westshore, 4860 West Kennedy Blvd., Tampa, FL 33609, Meet me Number (813)286-4400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is

to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, April 1, 2005 immediately following the Board Meeting

PLACE: Wyndham Westshore, 4860 West Kennedy Blvd., Tampa, FL 33609, Meet me Number (813)286-4400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Department of Health, Board of Psychology** announces a meeting of the board to which all persons are invited:

DATES AND TIME: April 22-23, 2005, 8:00 a.m. or soon thereafter

PLACE: The Tampa Renaissance Hotel, 4200 Jim Walter Blvd., Tampa, FL 33607, (813)877-9200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at

(850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Bureau of Chronic Disease Prevention and Health Promotion will hold the following meeting:

MEETING: Florida Arthritis Partnership

DATE AND TIME: April 15, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: Orlando Holiday Inn Select, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To bring together state, local, and regional decision makers and grassroots advocates who share the vision of the highest possible quality of life free from arthritis-related pain and disability. Participants will have the opportunity to network and share progress toward goals in arthritis prevention and education efforts in Florida. The meeting will include an overview of the Arthritis Prevention and Education Program activities to-date, upcoming marketing plans, presentations on arthritis topics, training on community mobilization, workshop on identifying gaps in membership and interventions, and prioritizing remaining future interventions.

NAVIGATION DISTRICTS

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 25, 2005, 8:00 a.m.

PLACE: The Pirates Cove Resort, 4307 S. E. Bayview Street, Port Salerno, Martin County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District’s Land Acquisition and Management and Finance and Budget Committees will meet.

Please contact the District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces three meetings of the Task Force on Policyholder Services and Relations for Citizens Property Insurance Corporation to which all interested persons are invited.

DATE AND TIME: April 6, 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.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meeting to which all interested persons are invited.

MEETING: Personnel Taskforce

DATE AND TIME: Friday, March 11, 2005, 11:00 a.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624, 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the

notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

FLORIDA HEALTHY KIDS CORPORATION

The **Florida Healthy Kids Corporation** announces its Board of Directors Meeting to which all persons are invited to attend.

DATE AND TIME: March 14, 2005, 10:00 a.m.

PLACE: Raymond Sittig Hall, 301 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Please contact Amber Floyd, (850)224-5437, e-mail: floyda@healthykids.org, to confirm your attendance and for additional meeting information.

TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY

The **Technological Research and Development Authority** (TRDA) announces a general meeting of its Board of Directors to which all persons are invited to participate.

DATE AND TIME: March 16, 2005, 2:00 p.m.

PLACE: Florida/NASA Business Incubator Conference Room, Florida/NASA Business Incubator Center, Brevard Community College (Building 1), 1 North U.S. Highway 1, Titusville, FL 32796

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting, Board of Directors.

A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330, Ext. 243, e-mail: dkershaw@trda.org.

VISIT FLORIDA

NOTICE OF RESCHEDULED PUBLIC MEETING – **VISIT FLORIDA** announces a public meeting of the New Product Development Steering Committee.

DATE AND TIME: Thursday, March 17, 2005 (Rescheduled from March 15, 2005), 9:00 a.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).

FLORIDA AEROSPACE FINANCE CORPORATION

The **Florida Aerospace Finance Corporation** (FAFC) announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: March 22, 2005, 1:00 p.m. – 3:00 p.m.

PLACE: Office of Florida Department of Transportation, Room 479, 605 Suwannee Street, Tallahassee, FL 32399 (To attend via telephone, call: 1(866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Commercial Space Financing Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION

The **Florida Self-Insurers Guaranty Association**, Inc. announces a meeting of its Board of Directors. All interested persons are invited to attend.

DATE AND TIME: Wednesday, March 23, 2005, 12:00 Noon

PLACE: Florida Hotel and Motel Association Building, 200 W. College Avenue, 2nd Floor Conference Room, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, 200 W. College Avenue, Suite 115, Tallahassee, Florida 32301, (850)222-1882.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 23, 2005, 1:30 p.m.
PLACE: SRB Trustee Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-CFO, Tampa, FL 33612

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Barbara Sawyer, by Friday, March 18, 2005.

FLORIDA TELECOMMUNICATIONS RELAY

The **Florida Telecommunications Relay**, Inc. announces a regular meeting of the Board of Directors to which all interested persons are invited to participate.

DATE AND TIME: Monday, March 28, 2005, 1:00 p.m.
PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board of Directors.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

NATIONAL COUNCIL ON COMPENSATION INSURANCE

The **Florida Workers Compensation Appeals Board** announces a meeting to which all persons are invited.

DATE AND TIME: March 31, 2005, 1:00 p.m. – 5:00 p.m.
PLACE: Wyndham Ft. Lauderdale Airport, 1870 Griffin Road, Dania Beach, Florida 33004, (954)920-3300

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a mechanism by which aggrieved parties may obtain a review of the application of the rules of the workers compensation system to their individual workers compensation policies.

Contact: Lesley O’Brien, National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, Florida 33487, (561)893-3186.

THE ADVOCACY CENTER FOR PERSONS WITH DISABILITIES

The PAIMI Advisory Council (PAC) of the **Advocacy Center for Persons with Disabilities** announces the following Regular Council meeting to which all persons are invited.

DATE AND TIME: April 14, 2005, 2:00 p.m.
PLACE: Northeast Florida State Hospital, 7487 South SR 121, Building 1, Conference Room A, Room No. 60, MacClenny, FL 32063

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Council meeting.

A copy of the agenda may be obtained by contacting: JoAnne Burgess, (850)488-9071, website: joanneb@advocacycenter.org.

If you need a disability related accommodation in order to participate in this activity, please notify JoAnne Burgess (850)488-9071, Ext 234, at least 10 business days prior to the meeting.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on January 6, 2003 from W. P. Myrick.

It was assigned the number DCA03-DEC-007.
An Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001, F.A.C., was entered by the Clerk on February 25, 2005.

A copy of the Order may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on January 8, 2003 from Alex Schultz.

It was assigned the number DCA03-DEC-011.
An Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001, F.A.C., was entered by the Clerk on February 25, 2005.

A copy of the Order may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on February 28, 2005, from John Alford, P.E., regarding whether an engineer of record is required to submit sprinkler head locations, cross main and branch line layouts for the general building permit pursuant to Rules 61G15-32.002-.004, Florida Administrative Code, and Section 104.3.1.1, Florida Building Code, Building Volume (2001, as amended June, 2003).

It has been assigned the number DCA05-DEC-042.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on May 26, 2003 from Koolduct, Inc.

It was assigned the number DCA03-DEC-128.

An Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001, F.A.C., was entered by the Clerk on February 25, 2005.

A copy of the Order may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on June 6, 2003 from Clearwater Gas System.

It was assigned the number DCA03-DEC-132.

An Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001, F.A.C., was entered by the Clerk on February 25, 2005.

A copy of the Order may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on June 12, 2003 from J. Scott Drafting.

It was assigned the number DCA03-DEC-139.

An Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001, F.A.C., was entered by the Clerk on February 25, 2005.

A copy of the Order may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on July 24, 2003 from Wilson & Company, Inc.

It was assigned the number DCA03-DEC-214.

An Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001, F.A.C., was entered by the Clerk on February 25, 2005.

A copy of the Order may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on September 24, 2003 from Robert C. Duncan.

It was assigned the number DCA03-DEC-266.

An Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001, F.A.C., was entered by the Clerk on February 25, 2005.

A copy of the order may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on October 11, 2002 from Lee County Division of Development Services.

It was assigned the number DCA02-DEC-271.

An Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001, F.A.C., was entered by the Clerk on February 25, 2005.

A copy of the Order may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on October 9, 2003 from T. A. Krebs.

It was assigned the number DCA03-DEC-277.

An Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001, F.A.C., was entered by the Clerk on February 25, 2005.

A copy of the Order may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**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 South Florida announces that continuing construction management services are required for the following discipline: Construction Manager (Up to 2) (Tampa Campus with the ability to include other campuses as required). Projects included in the scope of this agreement will be specific projects for new construction, renovations, alterations, and/or additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for services is \$100,000 or less. Continuing Service contracts for these projects provide that the construction manager will be available on an as-needed basis for the upcoming fiscal year, July 1, 2005 to June 30, 2006. Award of contract is for an initial period of one (1) year with an Owner's option to renew for one (1) additional year. The construction managers receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional continuing service construction managers under contract during the same time period. Performance and Payment Bonds shall be provided for individual projects exceeding \$100,000 and liability and worker's compensation insurance shall be required for the contract. Builder's Risk insurance may be required for specific projects based upon need. Continuing Service projects include projects that are awarded based upon competitive proposals from Continuing Service construction managers under contract and may include projects that are negotiated individually with a specific construction manager. Services required to be provided under the Continuing Services Contracts include the recording of as-built conditions by the Continuing Service Construction Manager for projects constructed by that Construction Manager for use in developing record drawings to facilitate the University's space management program.

Firms desiring to provide construction management services shall submit one original submittal and six bound copies consisting of a letter of interest, a completed "USF Construction Manager Qualifications Supplement" dated February 2005 and any required additional information within the proposal limits as described in the CMQS Instructions addressing the criteria contained therein in the order listed in a clear and concise manner. Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. 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. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data may not be considered. No submittal material will be returned. Submittals become part of the public record.

Selection of finalists for interview shall be made on the basis of experience, qualifications and ability to provide service. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application.

As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The USF Construction Manager Qualifications Supplement, dated February 2005 and Fact Sheet, which includes project information, may be obtained by contacting: Kathy Bennett, Contracts Administrator, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550, e-mail: kbennett@admin.usf.edu or by phone (813)974-3098, (813)974-2625, Fax (813)974-3542. Interested firms are invited to and encouraged to attend a Pre-Submittal Meeting to be held at 9:00 a.m. Eastern Time, on Tuesday, March 22, 2005 at the University of South Florida, Tampa Campus, Marshall Center Room 271, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants and employees of the University of South Florida except as provided at the Pre-Submittal meeting, the Pre-Interview meeting and the request for the CMQS and Fact Sheet. Requests for any project information must be in writing to the above address.

One original and six bound copies of the above required proposal data shall be submitted to: Joseph P. D'Azzo, R.A., Division Head for Quality Assurance, Facilities Planning and Construction, University of South Florida, FPC110, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned.

Submittals must be received at the above campus address (FPC110) by 2:00 p.m., Eastern Time, on Monday, April 11, 2005. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

PROJECT FACT SHEET

Student Activities Center – Davie Campus
BR-669

Florida Atlantic University

PROJECT DESCRIPTION

The project consists of site development and construction of approximately 25,000 gross square feet multi-purpose facility to include Administrative space for Student Government and Campus organizations, a Multipurpose area, Health Auxiliary, and Support Services.

This facility will be constructed using the construction management delivery process.

The Construction budget is approximately \$4 million.

SELECTION CRITERIA

Firms will be evaluated in the following areas: Experience and ability, past experience; bonding capacity; record-keeping; administrative ability; critical path scheduling expertise; cost estimating; cost control ability; quality contract capability; qualification of the firm's personnel, staff and consultants; and the ability to phase a project.

Experience and ability scores will be based on the following criteria:

1. Experience in projects of similar size and scope.
2. Experience in working with Universities.

SELECTION COMMITTEE

Thomas Donaudy, Associate VP to the University Architect & VP, Florida Atlantic University

Dr. Joyanne Stephens, VP/Broward, Florida Atlantic University

Vince Cucchiella, Associate Director, Facilities Planning/Broward, Florida Atlantic University

William (Reid) Morgan, Director, Physical Plant/Broward, Florida Atlantic University

Robert Richman, Program Coordinator, Florida Atlantic University

SELECTION SCHEDULE:

The anticipated schedule for selection, award, and negotiation is as follows:

Submittal Due: April 11, 2005
 Shortlist Meeting: April 22, 2005
 Final Interviews: May 10, 2005
 Contract Negotiation: TBD

GENERAL INFORMATION

1. All applicants will be notified of the results of the short list in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.
2. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President's action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
3. A copy of the building program is available on our website at <http://uavp.fau.edu> and may also be purchased at Boca Blueprint, 2029 N. W. 2nd Avenue, Boca Raton, FL 33431, (561)395-4944.

NOTICE TO CONSTRUCTION MANAGERS

Florida Atlantic University, on behalf of its Board of Trustees, announces that Construction Management services will be required for the project listed below:

Project No.: BR-669 located at Florida Atlantic University's Davie Campus.

The project consists of site development and construction of approximately 25,000 gross square feet multipurpose facility. There will be an exterior area adjacent to the building for student use for assemblies, concerts and social interaction. The estimated construction cost is \$4,000,000.00. The contract for Construction Management services will consist of two phases. Phase one is pre-construction services, for which the Construction Manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted, Phase two, the construction phase, will be implemented. In phase two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost

estimating; cost control ability; quality control capability; qualification of the firm's personnel, and staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida Atlantic University Construction Management Agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The Construction Manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management services for the project shall submit a letter of application and a completed "Florida Atlantic University Construction Manager Qualification Supplement" (FAUCMPQS Revised January 2004). Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. 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 general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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.

The FAUCMQS form and the Project Fact Sheet may be obtained on our website at: <http://uavp.fau.edu>, or by contacting: Carla Capeletti, Office of the Associate Vice President to the University Architect, Florida Atlantic University, 777 Glades Road, Campus Operations Bldg. #69, Room 101, Boca Raton, Florida 33431, (561)297-2663, (561)297-0224 Fax, e-mail: ccapelet@fau.edu.

Five (5) bound sets of the required proposal data shall be submitted and addressed to: Mr. Tom Donaudy, Associate Vice President to the University Architect, at the above address by 5:00 p.m. on April 11, 2005.

Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO URBAN DESIGNERS AND PLANNING
CONSULTANTS
AND INVITATION TO NEGOTIATE

New College of Florida, on behalf of the New College of Florida Board of Trustees, issues this Invitation to Negotiate, announces that professional services in the disciplines of urban design and master planning will be required for the project listed below, and invites interested parties to submit proposals.

PROJECT NUMBER: NCF-02

PROJECT NAME: New College of Florida Campus Master Plan Update 2005

LOCATION: New College of Florida, 5700 North Tamiami Trail, Sarasota, Florida 34243

PROJECT BUDGET: \$250,000.00

DESCRIPTION OF PROJECT: This project consists of updating the current New College of Florida Comprehensive Campus Master Plan regarding urban design, land use, academic facilities, support facilities, housing, recreation and open space, pedestrian and non-vehicular circulation, transit and traffic circulation and parking, utilities, conservation, capital improvements, architectural and landscape design guidelines, facilities maintenance, and coastal management. While the project is a campus master plan update, it is the first opportunity for New College to comprehensively and meaningfully address campus master planning issues as an independent institution within the Florida State University System. New College desires to develop a plan for its campus that will guide campus growth and development for a lengthy planning period, and that will include maps and design criteria for the campus that incorporate creative planning features and that will lead to a campus that is world class for a small, residential, liberal arts, honors college.

The selected applicant will be required to coordinate and seek meaningful input from the faculty, staff, and students of New College, and from local governments, neighbors, and other colleges and universities in the Sarasota community. The selected firm will also be required to assist New College in negotiating a five-year campus development agreement with the City of Sarasota.

The New College of Florida Campus Master Plan Update 2005 must be developed in accordance with Chapter 1013, Part III, Florida Statutes, the State University System "Guideline for the Comprehensive Campus Master Plan System, April 1992," as well as with rules and regulations of the Florida Board of Governors. Beyond the requirements of the guidelines and rules, however, New College desires to develop a plan that incorporates creative urban design and planning features in order to foster a sense of community and to enhance the educational experience of its students.

Individual firms, or consortiums of firms which combine expertise from the diverse disciplines required for this project are invited to respond and apply for consideration.

PROJECT MANAGER

The Project Manager for this project is:

Mr. Ken Perlowski, Director
Facilities Planning and Construction
New College of Florida
PHS 120
5700 North Tamiami Trail
Sarasota, Florida 34243.
Phone: (941)359-4690
Fax: (941)359-4239
e-mail: kperlowski@ncf.edu

PROJECT FACT SHEET: A Project Fact Sheet that describes the project in more detail, sets out the required application submittal format, establishes evaluation criteria, describes the evaluation process, and lists members of the Evaluation and Selection Committee is available to interested parties. To obtain a copy of the Project Fact Sheet contact the Project Manager.

APPLICATION SUBMITTAL SCHEDULE

Mandatory Pre-Submittal Meeting:

A mandatory Pre-Submittal Meeting will be conducted at 1:00 p.m. local time on Tuesday, March 29, 2005. The Meeting will be conducted at:

New College of Florida
Sudakoff Center
5700 North Tamiami Trail
Sarasota, Florida 34243

At least one representative of each interested applicant must attend the mandatory Pre-Submittal Meeting. No application will be accepted unless at least one representative of the Applicant attended the Pre-Submittal Meeting. Only one representative of Applicants which are consortiums of different firms is required to attend. Applicants will not be required to identify participants in any such consortium at the time of the Pre-Submittal Meeting, however, no application will be accepted unless a representative of at least one participant in a consortium arrangement attended the Pre-Submittal Meeting.

Application Submittal Date:

Applications can be submitted by hand delivery to the Project Manager or by mail. Applications in the Format described in the Project Fact Sheet must be filed with the Project Manager, or received in the New College Mail Room by 5:00 p.m. local time on Friday, April 22, 2005. Applications submitted after this time will be rejected, and will not be evaluated.

NOTICE TO PROFESSIONAL CONSULTANTS

Request for Proposal (RFP)

Professional Services

For

Annual Contract for Architectural Services

(for exclusive competition by qualified Minority Business

Enterprises (MBEs) only)

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Architectural Services for Duval County Public Schools. The firm selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$1,000,000 (Construction) and \$50,000 (Study Fees) respectively, provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to

be sent to:

Thomas C. Young
 Duval County Public Schools
 Facilities Design and Construction
 1701 Prudential Drive, 5th Floor
 Jacksonville, FL 32207-8182

PROJECT MANAGER: Thomas C. Young

PHONE NO.: (904)390-2279

MBE GOALS: Sheltered Market

RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
 APRIL 18, 2005 AND WILL BE
 ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Architect/Engineer.

NOTICE TO PROFESSIONAL CONSULTANTS

Request for Proposal (RFP)

Professional Services

For

Annual Contract for Architectural Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Architectural Services for Duval County Public Schools. The firm selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$1,000,000 (Construction) and \$50,000 (Study Fees) respectively, provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to

be sent to:

Thomas C. Young
 Duval County Public Schools
 Facilities Design and Construction
 1701 Prudential Drive, 5th Floor
 Jacksonville, FL 32207-8182

PROJECT MANAGER: Thomas C. Young

PHONE NO.: (904)390-2279

MBE GOALS: 15% Overall

RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
 APRIL 18, 2005 AND WILL BE
 ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Architect/Engineer.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)

Professional Services

For

Annual Contract for Civil Engineering Services

(for exclusive competition by qualified Minority Business

Enterprises (MBEs) only)

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Civil Engineering Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$1,000,000 (Construction) and \$50,000 (Study Fees) respectively, provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to

be sent to:

Thomas C. Young
 Duval County Public Schools
 Facilities Design and Construction
 1701 Prudential Drive, 5th Floor
 Jacksonville, FL 32207-8182

PROJECT MANAGER: Thomas C. Young

PHONE NO.: (904)390-2279

MBE GOALS: Sheltered Market

RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
 APRIL 18, 2005 AND WILL BE
 ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Civil Engineer.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)

Professional Services

For

Annual Contract for Civil Engineering Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Civil Engineering Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$1,000,000 (Construction) and \$50,000 (Study Fees) respectively, provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to

be sent to:

Thomas C. Young
 Duval County Public Schools
 Facilities Design and Construction
 1701 Prudential Drive, 5th Floor
 Jacksonville, FL 32207-8182

PROJECT MANAGER: Thomas C. Young

PHONE NO.: (904)390-2279

MBE GOALS: 10% Overall

RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
 APRIL 18, 2005 AND WILL BE
 ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Civil Engineer.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)

Professional Services

For

Annual Contract for Construction Management Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Construction Management Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs not exceeding the threshold amounts of \$1,000,000 (Construction), provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to
 be sent to:

Thomas C. Young
 Facilities Design and Construction
 1701 Prudential Drive – 5th Floor
 Jacksonville, FL 32207

PROJECT MANAGER: Thomas C. Young

PHONE NO.: (904)390-2279

MBE GOALS: 20% Overall

RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
 APRIL 18, 2005 AND WILL BE
 ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Construction Manager.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)

Professional Services

For

Annual Contract for Electrical Construction
 Management Services

(for exclusive competition by qualified Minority Business
 Enterprises (MBEs) only

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Electrical Construction Management Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs not exceeding the threshold amounts of \$1,000,000 (Construction), provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to

be sent to:

Thomas C. Young
 Facilities Design and Construction
 1701 Prudential Drive, 5th Floor
 Jacksonville, FL 32207

PROJECT MANAGER: Thomas C. Young

PHONE NO.: (904)390-2279

MBE GOALS: Sheltered Market

RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
 APRIL 18, 2005 AND WILL BE
 ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Electrical Construction Manager.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)

Professional Services

For

Annual Contract for Electrical Construction

Management Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Electrical Construction Management Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs not exceeding the threshold amounts of \$1,000,000 (Construction), provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to

be sent to:

Thomas C. Young
Facilities Design and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207

PROJECT MANAGER: Thomas C. Young
PHONE NO.: (904)390-2279
MBE GOALS: 15% Overall
RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
APRIL 18, 2005 AND WILL BE
ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Electrical Construction Manager.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)

Professional Services

For

Annual Contract for Mechanical Construction

Management Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Mechanical Construction Management Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs not exceeding the threshold amounts of \$1,000,000 (Construction), provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to
be sent to:

Thomas C. Young
Facilities Design and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207

PROJECT MANAGER: Thomas C. Young
PHONE NO.: (904)390-2279
MBE GOALS: 15% Overall
RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
APRIL 18, 2005 AND WILL BE
ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Mechanical Construction Manager.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)

Professional Services

For

Annual Contract for Electrical Engineering Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Electrical Engineering Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$1,000,000 (Construction) and \$50,000 (Study Fees) respectively, provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to

be sent to:

Thomas C. Young
Duval County Public Schools
Facilities Design and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Thomas C. Young
PHONE NO.: (904)390-2279
MBE GOALS: 15% Overall
RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
APRIL 18, 2005 AND WILL BE
ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Electrical Engineer.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)

Professional Services

For

Annual Contract for Mechanical Engineering Services
(for exclusive competition by qualified Minority Business
Enterprises (MBEs) only)

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Mechanical Engineering Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$1,000,000 (Construction) and \$50,000 (Study Fees) respectively, provided for in §287.055 Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to
be sent to:

Thomas C. Young
Duval County Public Schools
Facilities Design and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Thomas C. Young
PHONE NO.: (904)390-2279
MBE GOALS: Sheltered Market
RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
APRIL 18, 2005 AND WILL BE
ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Mechanical Engineer.

NOTICE TO PROFESSIONAL CONSULTANTS

FOR

Request for Qualifications (RFQ)

Professional Services

For

Annual Contract for Mechanical Engineering Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Mechanical Engineering Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs and study fees not exceeding the threshold amounts of \$1,000,000 (Construction) and \$50,000 (Study Fees) respectively, provided for in §287.055 Florida Statutes. This

will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to
be sent to:

Thomas C. Young
Duval County Public Schools
Facilities Design and Construction
1701 Prudential Drive, 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Thomas C. Young
PHONE NO.: (904)390-2279
MBE GOALS: 15% Overall
RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE
APRIL 18, 2005 AND WILL BE
ACCEPTED UNTIL 4:30 P.M.

Information on the selection process can be found at www.educationcentral.org/facilities under Forms and Standards, General Documents, Selection of Mechanical Engineer.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation has received an unsolicited proposal submitted under the Provisions of Section 334.30, Florida Statutes, Public-Private Transportation Facilities, referred to as the "I-95 Hotlanes Proposal." The proposal provides for a multi-phase Public-Private Partnership to plan, design, finance, and construct reversible Hotlanes in the I-95 corridor from I-395/SR 836 to south of the Ives Dairy Road interchange in Dade and Broward Counties, plus possible future additions and extensions, subject to revenue proceeds realized from the core project, and based upon future approvals by the Florida Department of Transportation and the Miami-Dade and Broward Counties MPOs.

Section 334.30, Florida Statutes, requires public notice to be provided after receipt of an unsolicited proposal, and that competing proposals be invited by the Department for a period of 60 days from the date of publication of the first notice, which 60 day period will be until 5:00 p.m., May 3, 2005.

The proposal was submitted by a large consortium of firms led by Tollroads of America, LLC, T.Y. Lin International, Bermello-Ajamil & Partners, APAC, State Contracting, Hypower, TransCore, Kimly-Horn, and Miller Consulting, among others.

A copy of the Proposal is available for public review and copying at 605 Suwannee Street, Room 430-A, Tallahassee, Florida, at no more than the cost of reproduction. More information is available from the Department's Office of Financial Development, (850)414-4464.

The Department has determined this unsolicited proposal sufficient for consideration on a preliminary basis and will accept other proposals for the same project purpose during this notification period. No final decision has been made relative to

accepting this or any proposal relative to the implementation of the proposed project. A final decision to construct any improvement on I-95 will only be made after extensive public involvement, Metropolitan Planning Organization (MPO) and local government input, and public hearing.

All firms that have an interest in submitting a competing proposal under the provisions of Section 334.30, Florida Statutes, are hereby invited to submit to the Secretary of Transportation a proposal in triplicate and with the required fee of \$50,000.00 (Rule 14-107.0011, Florida Administrative Code) within the time frame indicated above. Proposal will be evaluated with the "Draft Guidelines for Public-Private Transportation Facilities" and is available at <http://www.dot.state.fl.us/financialplanning/finance/p3.htm>.

Proposals not meeting the requirements of Section 334.30, Florida Statutes, will be rejected.

Address all proposals to: Florida Department of Transportation, 605 Suwannee Street, M.S. 57, Tallahassee, FL 32399-0450.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

NOTICE TO PROFESSIONAL CONSULTANTS

The Original Florida Tourism Task Force desires that consultants qualified pursuant to law and regulations submit a Proposal for professional services on the following printing project:

PROJECT NAME: The Original Florida Visitor's Guide Proposal 2

DESCRIPTION: This is an update and simplification of the original project dated December 2004. Layout, print and partially distribute an area tourism booklet by accomplishing the following tasks:

Task 1 – The Original Florida Task Force desires 100,000 guides printed. The magazine or booklet would have 60 pages of editorial content, and a 4 page cover, for a total of 64 pages. The successful proposer will provide design, layout and printing services based upon articles, photos, and basic design ideas submitted by The Original Florida Task Force;

Task 2 – Packaging shall be in boxes no more than 40 pounds each. The proposal requires that the successful proposer be able to drop shipped to 5 destinations as specified on the project Response Form, available upon request.

QUALIFICATION REQUIREMENTS: Proposers must submit project experience demonstrating ability to complete above tasks.

RESPONSE EVALUATION: All respondents will be evaluated in accordance with Section 287.057(2)(a), Florida Statutes, and must be determined to be qualified to do business in Florida and qualified to perform the advertised work requirements. Furthermore, a committee will evaluate proposals based upon predetermined criteria, available upon request.

SUBMITTAL REQUIREMENTS: Firms desiring consideration for this project must submit five (5) copies of their qualifications to the requesting unit listed below, unless qualifications were submitted for the first round of proposals. One of these copies must be a clean, single-side, unbound original that can be used to make additional copies. The Proposal must, as a minimum, include the following information:

1. Completion of Response Form (available upon request)
2. Name, address, contact person and phone number;
3. Listing of any subconsultants anticipated to be used on this project;
4. Experience on similar type projects, including date completed, contact (reference) name and phone number;
5. Proof of professional liability insurance.

SHORTLIST SELECTION PROCESS: From the Proposals received, the Original Florida Tourism Task Force may shortlist a minimum of three (3) firms. Tentative shortlist date: March 29, 2005.

NOTE: For detailed printing specifications for this four color publication, please contact the person below.

PROPOSAL DEADLINE: March 24, 2005, at 3:00 p.m. Late proposals will be returned unopened with the notation, "This proposal was received after the delivery time designated for receipt and opening in the legal notice."

REQUESTING RESPONSE ADDRESS: The Original Florida Tourism Task Force, ATTN: Ms. Jayne Moraski, Director of Economic Development, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603, (352)955-2200, Extension 106. Faxed and e-mailed responses will not be accepted.

The Original Florida Tourism Task Force reserves the right to accept or reject any and all responses.

REGIONAL TRANSPORTATION AUTHORITIES**REQUEST FOR PROPOSAL NO. 05-719
INSURANCE BROKER SERVICES**

The South Florida Regional Transportation Authority (SFRTA), an agency of the State of Florida, operates Tri-Rail, a seventy-two (72) mile commuter railroad with eighteen (18) stations in Miami-Dade, Broward, and Palm Beach Counties.

THE PURPOSE of this Request for Proposal (RFP) is to obtain the services of an experienced insurance brokerage firm to provide for SFRTA's liability and property insurance program, construction programs, and other business insurance programs that may be deemed necessary. SFRTA intends to select a single insurance broker to develop, market, place and administer a General Liability Insurance program to cover all SFRTA activities for commuter rail operations, railroad property insurance, and right-of-way construction projects, as well as any other General Business Insurance which the Authority may require. This broker will function as a General Risk Administrator for SFRTA. Coverage is needed for commuter rail passenger operations, rail construction insurance of the Southeast Florida rail corridor construction program, general business operations, and property for the assets of the rail corridor as well as the rolling stock, station facilities, and maintenance facilities. The term of the Agreement will be three (3) years with SFRTA's option of extending the term for two (2) additional one-year periods.

A REQUEST FOR DOCUMENTS should be directed to Mr. Robert Becker at SFRTA, 800 N. W. 33 Street, Suite 100, Pompano Beach, Florida 33064, (954)788-7909. The cost of the solicitation document is Fifty Dollars (\$50.00) non-refundable. Checks or money orders made payable to SFRTA should be forwarded to Mr. Becker at the address above. Solicitation documents will be available on or about March 7, 2005.

A PRE-PROPOSAL CONFERENCE will be held in the SFRTA Board Room at the address above on March 15, 2005 at 10:00 a.m. The purpose of the meeting will be for SFRTA to respond to questions from document holders and clarify requirements in an open forum. Attendance is not mandatory but is recommended.

RECEIPT OF SEALED PROPOSALS: All proposals must be received in a sealed envelope no later than 5:00 p.m. on April 6, 2005 at the SFRTA office in Pompano Beach.

SFRTA reserves the right to postpone, to accept, or reject any and all proposals in whole or in part. All Proposers must certify that they are not on the State of Florida Comptroller General's List of Ineligible Bidders. All proposals must remain in effect for One Hundred Eighty (180) days from the RFP submission due date.

DBE PARTICIPATION: SFRTA solicits and encourages Disadvantaged Business Enterprise (DBE) participation. DBEs will be afforded full consideration of their responses and will not be subject to discrimination. SFRTA's DBE program goal is 12% of total contract expenditures.

REQUEST FOR PROPOSALS

PROJECT TITLE: Transportation Contract Provider

RFP NUMBER: MFCS.05-TR.01

Mid Florida Community Services, Inc., the designated Community Transportation Coordinator for Hernando County, Florida will receive proposals to provide approximately 5,200 trips for transportation disadvantaged. The selected contract provider will provide service both within Hernando County and out of county for ambulatory, wheelchair, stretcher and mobility scooter transportation on a 24 hour, seven day a week basis.

Proposals will be received until 4:00 p.m. on April 18, 2005. All Proposals will be accepted at Mid Florida Community Services, Inc. (MFCS), located at 820 Kennedy Blvd., Brooksville, FL 34601. Proposals received after the above date will not be considered.

Proposal Packets may be obtained between 9:00 a.m. and 4:00 p.m. at:

Mid Florida Community Services, Inc.
820 Kennedy Blvd.
Brooksville, FL 34601
(352)796-1425

PRE-PROPOSAL CONFERENCE: Prospective applicants are strongly encouraged to participate in the Pre-Proposal conference scheduled for Monday, March 23, 2005 at 4:00 p.m. at 1122 Ponce DeLeon Blvd., Brooksville, FL 34601.

Individuals covered by the American with Disabilities Act of 1990 in need of accommodations to attend this meeting shall contact MFCS at the above number.

No Proposal shall be withdrawn for a period of thirty (30) days subsequent to their receipt without the consent of MFCS. MFCS reserves the right to reject any or all Proposals, to waive informalities and to accept all or any part of any Proposal as may be deemed to be in the best interest of MFCS.

DEPARTMENT OF CORRECTIONS

**NOTICE TO PROFESSIONAL CONSULTANTS
REQUEST FOR QUALIFICATIONS (RFQ) AE 010
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
ARCHITECTURAL/ENGINEERING SERVICES**

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Architectural/ Engineering firms for the project listed below. Applications from qualified firms are to be sent to the attention of Julyn Hussey, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The selected firm may be required to perform its services on an accelerated schedule.

PROJECT: Provide Professional Engineering Services to Adapt Prototype Work Camp Plans to the Site, including Site Design, Environmental Permitting, Bid Phase Services and Construction Administration of the associated Site Work and Utilities, along with Architectural Services to Review/Modify Prototype Work Camp Building Plans and Specifications for Adaptation to the Site, Bid Phase Services and Construction Administration Services during Building Construction.

PROJECT LOCATION: Lowell Correctional Institution, Lowell, Florida

PROJECT NUMBER: To Be Determined

ESTIMATED CONSTRUCTION COST: \$9,700,000

PROJECT ADMINISTRATOR: Roy Phelps, Supervising Construction Project Administrator, (850)410-4109

INSTRUCTIONS:

Any firm desiring to provide professional services for this project shall apply for consideration by submitting the following documents in a sealed envelope:

1. A Letter of Interest, indicating within the body of the letter, the firm’s specific abilities respective to the particular project’s requirements and established office location(s) from which the firm will be doing the work. Office(s) shall have been established for a minimum of six months prior to submission of a Letter of Interest. A Business/Occupational License indicating the office’s address and bearing a date of issuance must be submitted.
2. A copy of the Department of Corrections’ current “Professional Qualifications Supplement” (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address:
http://fcn.state.fl.us/owq_vbs/owa/vbs_www.search.criteria_form.
3. A reproduction of the firm’s current Florida State Board License with the appropriate board governing the discipline offered.

If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida and all fees and filings must be current. Firms may be requested to submit a copy of their charter at the Department’s discretion.

4. Attach a current copy of the SF 254 and SF255, for the office(s) that will be performing the work. Ensure that SF255, Section 8, contains at least three (3) other clients for whom similar services have been performed within the last five (5) years.
5. Evidence of professional liability insurance in the amount of at least \$1,000,000.
6. If desired, additional examples of similar projects completed by persons to be assigned to this project, references and any other supporting information.

Submit six (6) copies of the required information above, with one (1) packet containing an original Letter of Interest. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Submittals that do not comply with the instructions set forth above may be considered non-responsive.

SPECIAL NOTE: The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, (“Consultants’ Competitive Negotiation Act”).

RESPONSE DATE: April 8, 2005 by 4:00 p.m. daylight savings time. Late submittals will not be opened or considered.

SELECTION PROCESS: Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this RFQ. Interviews of all ranked respondents may or may not be required, at the direction of the Committee. Under the authority delegated to the Secretary of the Department of Corrections by Florida Statute 287.055, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting after approval of the Secretary through the following website address:
http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form. It is the firm’s responsibility to check the website for updated information.

WATER MANAGEMENT DISTRICTS

**REQUEST FOR BID 04/05-024 LM
PINE SEEDLING PRODUCTION**

The Suwannee River Water Management District (District) is requesting bids for growing, harvesting, packaging and delivery of bare-root slash and longleaf pine seedlings, and containerized longleaf pine seedlings for planting during the 2005/2006 planting season. The District desires to find the least cost alternative to producing these seedlings and their delivery to tree planting contractors next winter.

Proposed Schedule	
March 1, 2005	Release of Request for Bid.
March 18, 2005	Bids due prior to 4:00 p.m. at District Headquarters in Live Oak. Opening will occur at this time. *
April 12, 2005	Governing Board Approval of Top-Ranked Firm at 9:00 a.m. at District Headquarters in Live Oak. *
January 31, 2006	Completion of Seedling Production

* Denotes a public meeting.

Additional information and Request for Bid documents are available on the District's website at www.mysuwanneeriver.com or contact Randy Hall, (386)362-1001 or 1(800)226-1066 (Florida only).

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR PROFESSIONAL
SERVICES FOR
MECHANICAL/ELECTRICAL/PLUMBING
ENGINEERING SERVICES
REQUEST FOR QUALIFICATIONS
(RFQ) – PROFESSIONAL SERVICES

The Department of Management Services, Division of Facilities Management and Building Construction, requests professional services for MSFM-24006083, HVAC Archive Stack Area Renovations, R. A. Gray Building, Tallahassee, Florida. The construction budget is \$2,560,000.00. The award will be made in accordance with Section 287.055, F.S., and the procedures and criteria of the Department of Management Services.

For details please visit the Department's website, http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu, and click on "search Advertisements – Division of Facilities Management and Building Construction."

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."

FISH AND WILDLIFE CONSERVATION COMMISSION

ADVERTISEMENT FOR BIDS

BIDS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FOR THE CONSTRUCTION OF:

PROJECT NO.: FWC 04/05-79

PROJECT NAME: FLORIDA BASS CONSERVATION CENTER – PHASE 2 POND RENOVATION

PROJECT LOCATION: WEBSTER, SUMTER COUNTY, FLORIDA

FOR:

The Phase 2 Pond Renovation Project consists of demolition of existing concrete water control structures, and earthwork restoration of existing aquaculture production ponds; sitework, including aggregate pond roads and asphalt parking lot, electrical distribution, site piping for pond supply mains and branches, new drain branches; a new low-pressure air (LPA) distribution system; new concrete water control structures and concrete harvest kettles in the production ponds.

QUALIFICATION:

Each bidder whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit qualification data of their eligibility to submit proposals with their bid.

PRE-BID CONFERENCE:

A non-mandatory pre-bid conference has been scheduled for 2:00 p.m. EST on Tuesday, March 29, 2005 at Richloam Fish Hatchery, 3771 CR 788, Webster, FL 33597, (352)583-3545.

REQUIRED BONDS:

Bids shall be accompanied by a bid guarantee of not less than five (5) percent of the amount of the bid.

After award of Contract, a 100% Performance Bond and a 100% Labor and Material Payment Bond Will be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: April 11, 2005, 3:00 p.m. EDT.

PLACE: Purchasing Office, Room 364, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3428

PROPOSAL: Bids must be submitted in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined at the above-mentioned Purchasing Office.

CONTRACT DOCUMENTS: Contract documents shall be obtained from the ENGINEER, upon payment of \$150.00, non-refundable, for one set. The bid package will be sent via overnight delivery upon Engineer's receipt of payment. Submit requests for documents to:

Mr. Bill Jensen
FishPro
5201 S. Sixth Street Rd.
Springfield, Illinois, 62703
Phone (217)585-8333
Fax (217)585-1890

Provide contact information, phone and fax number, as well as complete return address. DO NOT PROVIDE POST OFFICE BOX FOR RETURN ADDRESS.

Checks or money orders shall be made payable to FishPro.

DOWNTOWN DEVELOPMENT AUTHORITY OF FORT LAUDERDALE

DOWNTOWN DEVELOPMENT AUTHORITY
OF THE CITY OF FORT LAUDERDALE
RFQ No. 05-1-DDA
PUBLIC NOTICE

Sealed Responses will be received by the Downtown Development Authority of the City of Fort Lauderdale located at 101 Northeast 3rd Avenue, Suite 350, Fort Lauderdale, Florida 33301 until Friday, March 18, 2005 at 3:00 p.m. for the following:

RFQ No: 05-1-DDA
ALTERNATIVES ANALYSIS AND PRELIMINARY
ENGINEERING
FOR THE
DOWNTOWN TRANSIT RAIL PROJECT
(CCNA – Consultants Competitive Negotiation Act)

RFQ documents may be obtained via the internet using the City’s website at www.fortlauderdale.gov/purchasing, or the DDA’s website at www.ddaftlaud.com.

If you do not have Internet access, you may obtain the documents upon request at the Downtown Development Authority of the City of Fort Lauderdale located at 101 Northeast 3rd Avenue, Suite 350, Fort Lauderdale, Florida 33301, (954)463-6574.

The Downtown Development Authority reserves the right to waive any informalities or minor irregularities; reject any and all Proposals which are incomplete, conditional, obscure, or which contain additions not allowed for; accept or reject any proposal in whole or in part with or without cause; and accept the proposal(s) which best serves the best interest of the DDA and the City.

NOTICE TO CONTRACTORS

Sealed bids will be received until 9:00 a.m. on Wednesday, April 6, 2005 in the Office of the City Engineer, Public Services Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for Project 10872 – Wastewater Conveyance System Long-Term Remediation Project #4 – Sewer Basin B-10 and Annual Sewer Lineing Contract.

The work includes: The rehabilitation of mainline sewers and laterals identified in the contract documents by using the cred-in-place pipe method for the sewer pipes. The work includes pre and post television survey, flow monitoring, flow bypass, traffic control, site restoration, and related operations resulting in complete and satisfactory rehabilitation of the wastewater conveyance system piping in Sewer Basin B-10 as well as to serve as the annual sewer repair contract for areas of the City outside the B-10 basin.

In addition to the base project, these documents also make provision for the rehabilitation of sewer and storm mains located at various points throughout the City, as required on an as-needed basis as designated by the City, for a one year period following completion of the base project. Projects will be authorized on an as-needed basis by the City with no guarantee as to the location and amount of the additional work.

A pre-bid meeting will be held at 2:00 p.m. on Wednesday, March 23, 2005, at the Program Management Team Office at 200 North Andrews Avenue, Suite 300 (third floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended but not mandatory.

Bidding blanks may be obtained at the Office of the City Engineer. Specifications are on file in the Office of the City Engineer.

This project is funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplementary Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier’s check, bank officer’s check or bid bond for 5% of the amount bid, made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale, Bid Information Line, (954)828-5688. For general inquiries, please call: (954)828-5772.

FLORIDA DEVELOPMENT DISABILITIES COUNCIL

REQUEST FOR PROPOSALS
(FDDC #2005-IP-2200)

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to improve the delivery of services to the state’s children and adults with developmental disabilities.

Florida will face many challenges in the next five years in providing services to individuals with developmental disabilities. As the FDDC begins to undertake the challenges of developing its next five-year state plan, the current system and the challenges the system presents individuals with DD and their families needs to be fully understood.

FDDC has developed this RFP to insure that the members of the Council have viable, useful and current information on the trends, research, changes, and barriers that prevent individuals

with developmental disabilities from achieving a quality of life comparable to the rest of the population. This information will be used by the Council as it develops its goals, objectives and strategies for the next five (5) years.

A prime component of this RFP is the development of three focus groups of individuals with disabilities and families in North, Central and South Florida to document their needs, what services they are and are not receiving, what services they considers a priority, how services can be delivered more efficiently and cost-effectively in a community setting, and their recommendations for improvement of the system.

Additional, critical information from numerous sources need to be compiled and researched in a report to enable FDDC to develop a Five Year Strategic Plan that contains factual information on the needs of this populations, the services delivery systems, innovative programs in other states addressing these issues, trends and other current information for the Council to use as a basis for the development of the strategic plan.

Individuals, not-for-profit and for-profit agencies may submit proposal in response to this RFP. The approximate amount of funds available for project awarded based on this RFP will be up to \$125,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP will be available from the Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633. The deadline for submitting letters of intent and written questions is April 1, 2005. The deadline for submitting proposals is 4:00 p.m. EST on April 25, 2005. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted.

**REQUEST FOR PROPOSALS
(FDDC #2005-HC-1700)**

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to improve the delivery of services to the state's children and adults with developmental disabilities.

The focus of this proposal is to implement a cost effective pilot program in one area of Florida (North, Central or South) that will demonstrate an effective management model for high risk psychotropic medications profiles of individuals with developmental disabilities in community and institutional settings. This model will evaluate the individuals, provide case management to these individuals, identify improvements that could be made in the existing service system, analyze and compile data on the issue, educate consumer, families and providers and comprehensively address the medication management problems experienced by individuals with

developmental disabilities. This model will necessitate a Nurse Case Manager that will work cooperatively with the Agency for Persons with Disabilities District Medical Case Manager to implement this model project. The provider will work with state agencies and others to insure no duplication of effort and the acquisition of data information to develop this project.

Individuals, not-for-profit and for-profit agencies may submit proposal in response to this RFP. The approximate amount of funds available for project awarded based on this RFP will be up to \$150,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP will be available from the Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633. The deadline for submitting letters of intent and written questions is April 1, 2005. The deadline for submitting proposals is 4:00 p.m. EST on April 25, 2005. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by e-mail will not be accepted.

DEPARTMENT OF MILITARY AFFAIRS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL OR BUILDING CONTRACTORS, LICENSED BY THE STATE OF FLORIDA, FOR THE CONSTRUCTION OF:

PROJECT NO.: CFMO-204047

ACCOUNTING CODE: NA

PROJECT NAME AND LOCATION: RENOVATION PANAMA CITY NATIONAL GUARD ARMORY, PANAMA CITY, FLORIDA

PROJECT DESCRIPTION: RENOVATION OF EXISTING BUILDINGS INTERIOR AND EXTERIOR TO INCLUDE EXTERIOR SITE WORK AS DEFINED IN THE ARCHITECT/ENGINEERS SPECIFICATIONS.

FOR: Department of Military Affairs, Construction and Facility Management Office

MINORITY PROGRAM: Utilization of MBE participation is highly encouraged from all Bidders.

MANDATORY PRE-BID MEETING: A Mandatory Pre-Bid Meeting will be held for all interested Prime Bidders and MBE's certified by the Minority Business Advocacy and Assistance Office On: March 22, 2005 at 1:00 p.m. Local time at the Panama City National Guard Armory, 3121 North Lisenby Avenue, Panama City, Florida 32406. All Prime Bidders interested in bidding on this project are required to attend and address subcontracting opportunities for MBE's.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person, or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services

to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BID SECURITY: If the bid proposal amount is \$100,000 or less, a bid security (5%) is not required.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and Labor and Material Payment Bond are not required.

Sealed bids will be received and publicly opened and read aloud on:

DATE AND TIME: April 12, 2005 until 11:00 a.m. local time
PLACE: Panama City National Guard Armory, 3121 North Lisenby Avenue, Panama City, Florida 32406

PROPOSAL: Bids may be submitted prior to bid opening date if received by the Department of Military Affairs, NO LATER THAN APRIL 8, 2005, BEFORE CLOSE OF BUSINESS. CFMO ATTN: Mr. Kenneth Hersey, Robert F. Ensslin, 2305 State Road 207, St. Augustine, Florida 32086, (904)823-0282, in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be examined and obtained, as of March 11, 2005 from CALDWELL ASSOCIATES.

All Technical questions shall be directed to the A/E until close of business April 11, 2005.

ARCHITECT-ENGINEER: CALDWELL ASSOCIATES, 116 NORTH TARRAGONA STREET PENSACOLA, FLORIDA 32502, Telephone (850)432-9500, Fax (850)438-6537, e-mail: office@caldwell-assoc.com, Attn: David Yorman

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at the location where the bids were opened as well as the myflorida.com website under myfloridamarketplace e-pro, vendor sourcing/solicitations. In the event that the Bid tabulation and Notice of Award Recommendation can not be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.

AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA05-OR-035

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND DEVELOPMENT
 REGULATIONS ADOPTED BY
 ORDINANCE NO. 2004-17

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 the City of Marathon is a local government within the Florida Keys Area.

2. On January 14, 2005, the Department received for review City of Marathon Ordinance No. 2004-17 that was adopted by the City of Marathon Board of City Commissioners on January 11, 2004 ("Ord. 2004-17"). Ord. 2004-17 provides a new definition for the number of bedrooms and bathrooms allowed at a hotel with regard to a Rate of Growth Allocation. The existing definition describes a hotel room as "a single room or suite but no more than one and one-half bathrooms and one bedroom and one other living area."

3. Ord. 2004-17 will allow an existing hotel to redevelop using an equivalency factor. The redeveloped hotel room cannot exceed 1,500 square feet and consisting of no more than two and one-half baths, two or three bedrooms, and one other living area. Upon redevelopment of an existing hotel room, density of the total number of pre-redevelopment hotel rooms is decreased by ten percent for redevelopment to two bedroom units and density is decreased by fifteen percent for redevelopment to three bedroom units. Ord. 2004-17 limits the application of the new definition of hotel rooms to the 1,300 existing hotel rooms within the City of Marathon.

4. Ord. 2004-17 requires that the redevelopment utilize Best Available Treatment established by Public Law 99-395 for wastewater systems, retain and treat the first inch of stormwater run off for the entire site, provide a minimum of twenty percent open space and meet adopted shoreline regulations.

5. Ord. 2004-17 is not inconsistent with the City's 2010 Comprehensive Plan or the Land Development Regulations. Ord. 2004-17 furthers Principles B, C, D, E, F, H, K, and is

neutral with respect to Principles A, G, I, J, L, for Guiding Development. The Ordinance, as a whole furthers the Principles for Guiding Development.

CONCLUSIONS OF LAW

6. 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).

7. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2003) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

8. "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. 2004-17 are land development regulations.

9. 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.

10. Ord. 2004-17 promotes and furthers the following Principles:

- (b) To protect shoreline and marine resources, including mangroves, coral reef formations, sea grass beds, wetlands, fish, and wildlife and their habitat.
- (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, dune ridges and beaches, wildlife, and their habitat.
- (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
- (h) To protect the value, efficiency, cost-effectiveness and amortized life of existing and proposed major public investments
- (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.

9. Ord. 2004-17 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that:

A. Ord. 2004-17 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

B. This Order and Marathon Ordinance 2004-17 shall become 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 SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 24th day of February, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Jeffrey Pinkus, 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

DCA Final Order No.: DCA05-OR-040
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS
In re: MONROE COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY MONROE COUNTY
ORDINANCE NO. 037-2004

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. 037-2004 which was adopted by the Monroe County Board of County Commissioners on November 17, 2004 ("Ord. 037-2004").
3. The purpose of Ord. 037-2004 is to defer the award of Rate of Growth Ordinances ("ROGO") market rate allocations. Ord. 037-2004 defers the award of ROGO market rate allocations for ROGO year 12, quarter 4, to year 13, quarter 1; year 13, quarter 1 to year 13, quarter 2; and provides notice that no market rate allocations will be available for award after year 13, quarter 1 pending the enactment of proposed Rule 28-20.110, Florida Administrative Code.
4. Ord. 037-2004 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. 037-2004 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. 037-2004 promotes and furthers the following Principles:

- (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

10. Ord. 037-2004 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 037-2004 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 SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL

PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 24th day of February, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Dixie Spehar
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

DEPARTMENT OF LAW ENFORCEMENT

Notice of Application for Federal Funds

The State of Florida, Department of Law Enforcement, will be submitting an application to the Bureau of Justice Assistance, United States Department of Justice, for \$20,532,197, in Federal Fiscal Year 2005 funds made available under Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, Section 500 as amended.

A copy of the application will be available for review and comment by the public at the Department of Law Enforcement, Business Support Program, Office of Criminal Justice Grants, Tallahassee, Florida 32308.

Interested parties should contact the Office of Criminal Justice Grants, (850)410-8700, to obtain a copy of the application for review.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

**Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population**

Pursuant to Section 320.642, Florida Statutes, Classic Motorcycles & Sidecars, Inc., intends to allow the establishment of Scooter Hut, as a dealership for the sale of TN[®]G, Lambretta USA, and Flying Tiger Motorcycles, at 754 3rd Street, South, Jacksonville Beach, Florida 32250, on or after February 24, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Hut are dealer operator: Jon Anderson, 2257 Wahine Drive, Jacksonville, Florida 32246; principal investor(s): Jon Anderson, 2257 Wahine Drive, Jacksonville, Florida 32246; Theresa Lapolla 4059 Richmond Park, Jacksonville, Florida 32224.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Thomas Lynott, President, Classic Motorcycles & Sidecars, Inc., Post Office Box 969, 8146 304th Avenue, S. E., Preston, WA 98050.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Volkswagen of America, Inc., (“VWoA”), intends to allow the establishment of KMH Automotive, Inc., as a dealership for the sale of Volkswagen vehicles, at 3102 US Highway 19, Holiday (Pasco County), Florida 34691, on or after June 15, 2006.

The name and address of the dealer operator(s) and principal investor(s) of KMH Automotive, Inc., are dealer operator: Khaled Hassan, 18510 Kingbird Drive, Lutz, Florida 33558; principal investor(s): Jason Kuhn, 3900 W. Kennedy Boulevard, Tampa, Florida 33609; Larry Morgan, 5 Stonegate Drive, Bellair, Florida 33756; and Khaled Hassan, 18510 Kingbird Drive, Lutz, Florida 33558.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Hilton D. Bruce, Dealer Franchising, Volkswagen of America, Inc., 3800 Hamlin Road, Auburn Hills, Michigan 48326.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant’s compliance with the provisions of Chapter 320, Florida Statutes.

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

DECISIONS ON BATCHED APPLICATIONS

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Other Beds and Programs batching cycle with an application due date of May 25, 2005:

- County: Citrus Service District: 3
CON # 9815 Decision Date: 2/25/2005 Decision: A
Facility/Project: Hospice of Citrus County, Inc.
Applicant: Hospice of Citrus County, Inc.
Project Description: Construct a freestanding inpatient hospice facility of up to 16 beds
Approved Cost: \$3,345,471
- County: Duval Service District: 4
CON # 9819 Decision Date: 2/25/2005 Decision: A
Facility/Project: Community Hospice of Northeast Florida, Inc.
Applicant: Community Hospice of Northeast Florida, Inc.
Project Description: Construct a freestanding inpatient hospice facility of up to 16 beds
Approved Cost: \$5,521,758
- County: Duval Service District: 4
CON # 9820 Decision Date: 2/25/2005 Decision: A
Facility/Project: Community Hospice of Northeast Florida, Inc.
Applicant: Community Hospice of Northeast Florida, Inc.
Project Description: Construct a freestanding inpatient hospice facility of up to 16 beds
Approved Cost: \$5,903,174
- County: Pinellas Service District: 5
CON # 9821 Decision Date: 2/25/2005 Decision: D
Facility/Project: Palms of Pasadena Hospital, L.P.
Applicant: Palms of Pasadena Hospital, L.P.
Project Description: Establish an adult open heart surgery program
Approved Cost: \$0
- County: Pinellas Service District: 5
CON # 9822 Decision Date: 2/25/2005 Decision: D
Facility/Project: Helen Ellis Memorial Hospital
Applicant: Tarpon Springs Hospital Foundation, Inc.
Project Description: Establish an adult open heart surgery program
Approved Cost: \$0
- County: Pinellas Service District: 5
CON # 9823 Decision Date: 2/25/2005 Decision: D
Facility/Project: Mease Hospital-Countryside
Applicant: Trustees of Mease Hospital, Inc.
Project Description: Establish an adult open heart surgery program

Approved Cost: \$0
 County: Pinellas Service District: 5
 CON # 9824 Decision Date: 2/25/2005 Decision: D
 Facility/Project: St. Anthony's Hospital
 Applicant: St. Anthony's Hospital, Inc.
 Project Description: Establish an adult open heart surgery program

Approved Cost: \$0
 County: Pinellas Service District: 5
 CON # 9825 Decision Date: 2/25/2005 Decision: D
 Facility/Project: Hospice of the Palm Coast, Inc.
 Applicant: Hospice of the Palm Coast, Inc.
 Project Description: Establish a hospice program

Approved Cost: \$0
 County: Pinellas Service District: 5
 CON # 9826 Decision Date: 2/25/2005 Decision: A
 Facility/Project: Springs at Boca Ciega Bay
 Applicant: Boca Ciega Investors, LLC
 Project Description: Add 12 community skilled nursing beds through the delicensure of 12 of the 72 community skilled nursing beds at Westminster Shores

Approved Cost: \$69,378
 County: Pinellas Service District: 5
 CON # 9827 Decision Date: 2/25/2005 Decision: A
 Facility/Project: Crystal Oaks of Pinellas
 Applicant: PHI, L.L.C.

Project Description: Add 60 community skilled nursing beds through delicensure of 60 of the 72 community skilled nursing beds at Westminster Shores
 Approved Cost: \$3,983,543

County: Hillsborough Service District: 6
 CON # 9828 Decision Date: 2/25/2005 Decision: D
 Facility/Project: Hospice of the Palm Coast, Inc.
 Applicant: Hospice of the Palm Coast, Inc.
 Project Description: Establish a hospice program

Approved Cost: \$0
 County: Charlotte Service District: 8
 CON # 9829 Decision Date: 2/25/2005 Decision: D
 Facility/Project: HOPE of Southwest Florida, Inc.
 Applicant: HOPE of Southwest Florida, Inc.
 Project Description: Establish a hospice program

Approved Cost: \$0
 County: Collier Service District: 8
 CON # 9830 Decision Date: 2/25/2005 Decision: D
 Facility/Project: HOPE of Southwest Florida, Inc.
 Applicant: HOPE of Southwest Florida, Inc.
 Project Description: Establish a hospice program
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**CERTIFICATE OF NEED
 EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Monroe District: 11
 ID # 0400023 Decision: Issue Date: 2/24/2005
 Facility/Project: Lower Keys Medical Center
 Applicant: Key West HMA, Inc.
 Project Description: Add 10 adult inpatient psychiatric beds
 Proposed Project Cost: \$0

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 23, 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 A. Hussam Armashi, number ME 66828. 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 25, 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 Jennifer Rebecca Stovall, R.N, license number RN 3146282. 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.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN February 21, 2005
 and February 25, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF TRANSPORTATION

14-10.004	2/23/05	3/15/05	30/50	31/3
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PUBLIC SERVICE COMMISSION

25-30.457	2/23/05	3/15/05	30/32	31/4
25-30.458	2/23/05	3/15/05	30/32	

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

40E-3.011	2/24/05	3/16/05	30/45	
40E-3.021	2/24/05	3/16/05	30/45	
40E-3.031	2/24/05	3/16/05	30/45	
40E-3.032	2/24/05	3/16/05	30/45	
40E-3.035	2/24/05	3/16/05	30/45	
40E-3.036	2/24/05	3/16/05	30/45	
40E-3.037	2/24/05	3/16/05	30/45	
40E-3.038	2/24/05	3/16/05	30/45	
40E-3.039	2/24/05	3/16/05	30/45	
40E-3.0391	2/24/05	3/16/05	30/45	
40E-3.041	2/24/05	3/16/05	30/45	
40E-3.051	2/24/05	3/16/05	30/45	31/4
40E-3.101	2/24/05	3/16/05	30/45	31/4
40E-3.301	2/24/05	3/16/05	30/45	
40E-3.321	2/24/05	3/16/05	30/45	31/4
40E-3.341	2/24/05	3/16/05	30/45	
40E-3.411	2/24/05	3/16/05	30/45	31/4
40E-3.451	2/24/05	3/16/05	30/45	
40E-3.461	2/24/05	3/16/05	30/45	
40E-3.502	2/24/05	3/16/05	30/45	31/4
40E-3.504	2/24/05	3/16/05	30/45	
40E-3.507	2/24/05	3/16/05	30/45	31/4
40E-3.512	2/24/05	3/16/05	30/45	31/4
40E-3.517	2/24/05	3/16/05	30/45	
40E-3.521	2/24/05	3/16/05	30/45	31/4
40E-3.525	2/24/05	3/16/05	30/45	
40E-3.529	2/24/05	3/16/05	30/45	
40E-3.531	2/24/05	3/16/05	30/45	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

60P-2.004	2/24/05	3/16/05	30/50	
60P-3.005	2/24/05	3/16/05	30/50	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-18.007	2/23/05	3/15/05	31/1	
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Board of Professional Engineers

61G15-20.001	2/21/05	3/13/05	31/3	
61G15-20.007	2/21/05	5/1/05	31/3	
61G15-20.007	2/21/05	3/13/05	31/3	

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

64B-5.001	2/23/05	3/15/05	30/30	30/50
64B-5.002	2/23/05	3/15/05	30/30	

Board of Orthotists and Prosthetists

64B14-3.001	2/22/05	3/14/05	31/2	
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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

68A-2.015	2/23/05	3/15/05	30/53	
68A-4.0053	2/23/05	7/1/05	30/53	
68A-5.005	2/23/05	3/15/05	30/53	
68A-9.008	2/23/05	5/1/05	30/53	
68A-12.002	2/23/05	7/1/05	30/53	
68A-12.010	2/23/05	7/1/05	30/53	
68A-13.004	2/23/05	7/1/05	30/53	
68A-15.005	2/23/05	5/1/05	30/53	
68A-15.061	2/23/05	7/1/05	30/53	
68A-15.062	2/23/05	7/1/05	30/53	
68A-15.065	2/23/05	7/1/05	30/53	
68A-17.005	2/23/05	7/1/05	30/53	
68A-23.005	2/23/05	7/1/05	30/53	
68A-23.009	2/23/05	7/1/05	30/53	
68A-23.0091	2/23/05	3/15/05	30/53	
68A-23.0092	2/23/05	3/15/05	30/53	