

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE TITLE: Approved Best Management Practices
RULE NO.: 5M-3.003

PURPOSE AND EFFECT: The Department proposes an amendment to incorporate revisions to the Water Quality/Quantity BMPs for Indian River Area Citrus Groves manual.

SUBJECT AREA TO BE ADDRESSED: The addition of a Best Management Practice covering the decommissioning of wells.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 403.067(7) FS.

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

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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mark Jennings, Environmental Specialist III, Office of Agricultural Water Policy, 1203 Governor's Square Blvd., Suite 200, Tallahassee, Florida 32399-1650, (850)488-6249, Fax (850)921-2153

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

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Actions Against a Licensee; Penalties
RULE NO.: 6E-2.0061

PURPOSE AND EFFECT: The purpose of this amendment is to clarify who may serve on the panel and review reconsideration of probable cause.

SUBJECT AREA TO BE ADDRESSED: Actions Against a Licensee; Penalties.

SPECIFIC AUTHORITY: 1005.37(1)(e), 246.071 FS.

LAW IMPLEMENTED: 1005.32(7), 1005.34(3), 1005.38 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6E-2.0061 Actions Against a Licensee; Penalties.

(1) through (6) No change.

(7)(a) through (b) No change.

(c) Reconsideration of probable cause in any given case shall be performed by the members of the panel who initially found probable cause in that case. Whenever an original panel member is not available, current member(s) shall hear the reconsideration. If a Commission member has reviewed a case as a member of the probable cause panel, that member, if available, shall be on the panel for reconsideration of that case if reconsideration is necessary.

(8) through (10) No change.

Specific Authority 1005.37(1)(e), 246.071 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38 FS. History--New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 1-27-88, 11-29-89, 12-10-91, 10-19-93, 1-7-03, 5-4-04, 5-26-04, 7-20-04, 3-11-05.

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: Mandatory Literacy Program
RULE NO.: 33-501.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to limit mandatory education to that required by statute, thereby allowing use of limited resources to provide services to interested and motivated inmates, providing inmates with equal access to education services, and improving security in academic education facilities by allowing inmates with no interest to discontinue participation.

SUBJECT AREA TO BE ADDRESSED: Inmate Education.

SPECIFIC AUTHORITY: 944.09, 944.801 FS.

LAW IMPLEMENTED: 944.09, 944.801 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.101 Mandatory Literacy Academic Education Program Services.

(1) Upon arrival at a Department of Corrections' reception center for initial processing, each inmate shall be screened and assessed to determine if the inmate meets the department's criteria for mandated academic education program services participation.

(2) Criteria for mandated academic education program services shall be based upon:

(a) Lack basic functional literacy skills as defined in s. 239.105, F.S., and

(b) Needs assessment profile in which the inmate's needs for academic education, vocational education, work experience, and substance abuse treatment are assessed and prioritized to ensure security and optimal program placement.

(1)(3) When, in accordance with Section 944.801, F.S. criteria established in (2), it is determined that an inmate is required to attend 150 hours of sequential instruction in a correctional adult basic education program to attain functional literacy as defined in Section 1004.02, F.S. in need of academic education program services, he or she shall be assigned a priority ranking for services based upon these criteria and shall be placed into available programs or placed on a waiting list for future assignment to a program.

(4) Priority ranking for assignment shall be maintained for all inmates and updated at least monthly. Prioritization ranking shall also be based upon length of sentence remaining to be served and readiness for program services.

(2)(5) If an inmate refuses to participate in the mandatory literacy academic education program services, the classification officer shall ensure that this refusal is documented on Form DC6-119, Inmate Refusal to Participate in Mandatory Program. Form DC6-119 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 10-31-01. Inmates who refuse to participate in the mandatory literacy mandated academic education program services shall be subject to disciplinary action.

~~(3)(6)~~ Inmates discharged from the mandatory literacy academic education program services due to program rule violations, violation of institutional rules, or behavior management problems shall be subject to disciplinary action.

~~(7)~~ Inmates who refuse to participate in mandated academic education program services shall be removed from the priority listing until such time as the inmate agrees to participate in the academic education program mandated.

~~(4)(8)~~ Inmates shall only be subject to disciplinary action when a program slot is available and the inmate refuses to enter or participate in the program.

~~(a)~~ If an inmate recants an earlier refusal to participate in a mandatory program, he or she shall be returned to the priority listing and the priority ranking shall be recalculated.

~~(b)~~ When a program slot becomes available, the inmate shall be considered for placement when a program slot becomes available into the academic education program. Inmates entering a mandatory literacy an academic education program after refusal or who are re-admitted to a program after administrative discharge per subsection ~~(3)(6)~~ of this rule shall be eligible at the time of program entry to request restoration of incentive gain time in accordance with Rule 33-601.105, F.A.C.

~~(9)~~ Inmates shall not be denied access to academic education program services on the basis of race, gender, ethnicity, age, sexual preference, human immunodeficiency virus status, prior program departure against professional advice, or disability.

Specific Authority 944.09, 944.801 FS. Law Implemented 944.09, 944.801 FS. History New 10-31-01, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

|  |                   |
|--|-------------------|
| RULE CHAPTER TITLE:  | RULE CHAPTER NO.: |
| Procedural   | 40D-1             |
| RULE TITLES:   | RULE NOS.:        |
| Permits Required   | 40D-1.602         |
| Bonds  | 40D-1.604         |
| Permit Processing Fee  | 40D-1.607         |
| Permit Fee Reduction for Certain Counties and Municipalities | 40D-1.608         |
| Forms and Instructions                                       | 40D-1.659         |
| Emergency Authorization for Works of the District Permits    | 40D-1.1023        |

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to delete references contained within Chapter 40D-1, F.A.C., regarding references to Works of the District permits. The Works of the District rule Chapter 40D-6, F.A.C., was repealed in its entirety on December 10, 2004.

SUBJECT AREA TO BE ADDRESSED: Deletion of references to Works of the District contained with Chapter 40D-1, F.A.C.

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.113, 373.118, 373.149, 373.171, 373.4136, 373.414, 373.418 FS.

LAW IMPLEMENTED: 120.54(5), 218.075, 373.084, 373.085, 373.106, 373.109, 373.116, 373.118, 373.171, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.4136, 373.414, 373.416, 373.418, 373.419, 373.421, 373.421(2), 373.426, 380.06(9) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

|  |                   |
|--|-------------------|
| RULE CHAPTER TITLE:                          | RULE CHAPTER NO.: |
| Florida Information Resource                 |                   |
| Security Policies and Standards              | 60DD-2            |
| RULE TITLES:                                 | RULE NOS.:        |
| Purpose; Definitions; Policy; Applicability; |                   |
| Agency Security Programs; Roles and          |                   |
| Responsibilities; Risk Management            | 60DD-2.001        |
| Control of Computers and                     |                   |
| Information Resources                        | 60DD-2.002        |
| Physical Security and Access to              |                   |
| Data Processing Facilities                   | 60DD-2.003        |
| Logical and Data Access Controls             | 60DD-2.004        |
| Data and System Integrity                    | 60DD-2.005        |
| Network Security                             | 60DD-2.006        |
| Backup and Disaster Recovery                 | 60DD-2.007        |
| Personnel Security and Security Awareness    | 60DD-2.008        |
| Systems Acquisition, Disposal, Auditing,     |                   |
| and Reporting                                | 60DD-2.009        |
| Standards Adopted                            | 60DD-2.010        |

PURPOSE AND EFFECT: To consider development of potential amendments to the existing rule chapter on agency best practices on minimum security standards for the protection of state information resources, in light of new

guidelines and standards published by the National Institute of Standards and Technology in the areas of electronic authentication and personal identity verification.

SUBJECT AREA TO BE ADDRESSED: Purpose; Definitions; Policy; Applicability; Departmental Security Programs; Responsibilities; Risk Management; Control of Computers and Information Resources; Physical Security and Access to Data Processing Facilities; Logical and Data Access Controls; Data and System Integrity; Network Security; Backup and Recovery; Personnel Security and Security Awareness; Systems Acquisition, Auditing and Reporting; Adoption of Federal Standards.

SPECIFIC AUTHORITY: 282.102(2),(6),(16) FS.

LAW IMPLEMENTED: 282.318 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, April 25, 2005

PLACE: Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, Florida 32399

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the State Technology Office at least 2 calendar days before the workshop, by contacting: Matthew Kimball, (850)922-5511.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kris Palmer, State Technology Office, 4030 Esplanade Way, Suite 160i, Tallahassee, Florida 32399, (850)414-7671, e-mail: Kris.Palmer@MyFlorida.com

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE TITLE: Examination and Licensure  
 RULE NO.: 61G18-11.002  
 PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments may be necessary.  
 SUBJECT AREA TO BE ADDRESSED: The number of examinations required for licensure.  
 SPECIFIC AUTHORITY: 474.206, 474.2065, 474.207, 455.217 FS.  
 LAW IMPLEMENTED: 455.217, 474.2065, 474.207 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.



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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-7.002 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations:

(a) through (g) No change.

(h) Failure to pay required fees and/or fines in a timely manner (Rule 64B17-7.0025, F.A.C.) - A fine of \$150.

(4) through (5) No change.

Specific Authority 456.077, 486.025 FS. Law Implemented 456.077 FS. History—New 1-19-92, Formerly 21MM-7.003, Amended 10-28-93, Formerly 61F11-7.003, 59Y-7.003, Amended 1-6-99, 1-6-02, 4-18-04, \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE CHAPTER TITLE: Multiple Hurricane Deductible Reimbursement Program

RULE CHAPTER NO.: 69J-1

RULE TITLES: Purpose and Scope

RULE NOS.: 69J-1.001

Definitions 69J-1.002

Forms Adopted 69J-1.003

Acquiring Forms 69J-1.004

Notice Process 69J-1.005

Collection of Data by the Office of Insurance Regulation 69J-1.006

Claim Submission Process 69J-1.007

Aggregation of Deductibles 69J-1.008

Processing of Claims 69J-1.009

Buden to Justify Reimbursement is on the Policyholder 69J-1.010

Determination of Claim Validity 69J-1.012

Valuation of Loss 69J-1.013

Special Rule for Condominium Association Claims 69J-1.020

Impact of Variations Among Deductibles 69J-1.025

Assignment of Rights Under the Program 69J-1.030

Death of Policyholder 69J-1.031

PURPOSE AND EFFECT: This proposed permanent rule provides procedures and standards for the multiple hurricane deductible reimbursement program pursuant to Chapter Law

2004-480. Rules 69J-1.001, 69J-1.002, 69J-1.003, 69J-1.004, 69J-1.005, 69J-1.006, 69J-1.007, paragraph 69J-1.008(1), Rules 69J-1.009, 69J-1.030, F.A.C., largely just perpetuate the provisions of the emergency rule that established the program. Other sections address specific issues as follows:

Subsection 69J-1.008(2), F.A.C., provides that deductibles must have been applied to claims from more than one hurricane in order to be a basis for eligibility.

Rule 69J-1.010, F.A.C., provides that the burden to justify a reimbursement is on the policyholder applying for reimbursement.

Rule 69J-1.012, F.A.C., provides that the validity of a claim will be based of coverage as stated in the applicable insurance policy, but if the policy form is not known the standard HO-3 will be used.

Rule 69J-1.013, F.A.C., provides standards for valuation of loss, including a system by which evidence of value will be weighted in the justification of the claim. It provides that if the valuation of the claim received by the Department from the insurer is less than the amount for which the policyholder applies, or no valuation information is provided from the insurer, then other documentation will be necessary to justify the additional amount for which application has been made. That documentation will be weighted as follows:

Supporting documentation that is produced by a person without a direct interest in the prospective reimbursement, who has expertise in valuation of the type of loss sustained, and who has inspected the property will be given high weight. Supporting documentation that is provided by the policyholder with a direct interest in the prospective reimbursement, or by a witness without expertise in insurance adjusting or construction will be given low weight. For reimbursement applications totaling \$1,000 or less, the application file must contain at least one piece of low weight documentation. For reimbursements over \$1,000, but no more than \$2500, the application file must contain at least one piece of high weight documentation or two pieces of low weight documentation. For all reimbursements over \$1,000, but no more than \$2500 which do not contain any pieces of high evidence, an affidavit form as incorporated in Rule 69J-1.003, F.A.C., will be sent to the consumer for signature and notarization. That form must be returned signed and notarized for the request to be processed. For reimbursements over \$2,500 the application file must contain at least two pieces of high weight documentation or one piece of high and two pieces of low weight documentation. Rule 69J-1.020, F.A.C., addresses issues specific to condominium association claims. The rule interprets the applicability of the reimbursement limits applying to condominium associations.

Rule 69J-1.025, F.A.C., clarifies the impact of variations among deductibles.

Rule 69J-1.031, F.A.C., addresses the situation in which a policyholder is deceased.

SUBJECT AREA TO BE ADDRESSED: The Multiple Hurricane Deductible Reimbursement Program.

SPECIFIC AUTHORITY: Chapter Law 2004-480 FS.

LAW IMPLEMENTED: Chapter Law 2004-480 FS.

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

TIME AND DATE: 9:30 a.m., April 21, 2005

PLACE: Room 142, 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 Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320, (850)413-5800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

MULTIPLE HURRICANE DEDUCTIBLE REIMBURSEMENT PROGRAM

69J-1.001 Purpose and Scope.

The purpose of this rule is to establish procedures and adopt forms for the implementation of the program for reimbursement of multiple hurricane deductibles on residential property claims as mandated by Chapter Law 2004-480, (HB 9A).

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.002 Definitions.

(1) Application File: The term, "application file" as used in this rule shall mean all documentation timely received by the Department, from the policyholder or insurer pursuant to this rule and any additional information acquired by the Department relating to the application.

(2) Condominium: The term, "condominium" as used in this rule and Chapter Law 2004-480, (HB 9A) has the meaning as defined in Section 718.103(11), Florida Statutes.

(3) Department: The term, "Department" as used in this rule shall mean the Florida Department of Financial Services.

(4) Eligible: The term, "eligible" as used in this rule shall mean meeting the requirements for reimbursement established in Chapter Law 2004-480, (HB 9A).

(5) Insurer: The term "insurer" as used in this rule includes surplus lines insurance carriers as well as authorized insurance carriers. Actions mandated by this rule to be performed by insurers may at the insurers' discretion, be performed by representatives acting on the insurers' behalf.

(6) Hurricane Deductible: The term "hurricane deductible" as used in this rule and Chapter Law 2004-480 shall mean any deductible applied to a loss proximately caused by a hurricane.

(7) Properly Completed: The phrase "properly completed" as used in this rule means, as to an application, that the Department has received all information necessary to determine whether an application is eligible, including whether the underlying claim is valid and reasonable.

(8) Reasonable: The term, "reasonable" as used in this rule shall mean that the amount of a claim approximates the monetary compensation to which policyholders would have been entitled under their insurance policy, but for the application of a second or subsequent hurricane deductible.

(9) Valid: The term, "valid" as used in this rule shall mean that a policyholder would have been entitled to payment under their insurance policy, but for the application of a second or subsequent hurricane deductible.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.003 Forms Adopted.

The Department of Financial Services hereby adopts and incorporates by reference the following forms:

(1) Multiple Hurricane Deductible Reimbursement Application – Residential, Form DFS-II-1612, (rev. 1/05).

(2) Multiple Hurricane Deductible Reimbursement Application – Condominium Association, DFS-II-1614, (rev. 1/05).

(3) Notice of Multiple Hurricane Deductible Reimbursement Program – Residential, Form DFS-II-1611, (rev. 1/05), and

(4) Notice of Multiple Hurricane Deductible Reimbursement Program – Condominium Association, Form DFS-II-1613, (rev.1/05).

(5) Multiple Hurricane Deductible Reimbursement Program Affidavit Form, DFS-10-1645 (rev. 2/05).

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.004 Acquiring Forms.

(1) The Department shall provide the forms listed in Rule 69J-1.003, F.A.C., above to the Department of Financial Services, Division of Consumer Services disaster contact for each insurer. The forms will also be available to insurers at FLDFS.com/deductible.

(2) The forms listed in paragraph (3) above shall be acquired by policyholders from their insurer.

(3) If a policyholder does not receive an application form from their insurer, policyholders may acquire an application form from the Department from fldfs.com.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.005 Notice Process.

(1) Insurers, which applied multiple hurricane deductibles, shall mail both the notice and application forms incorporated in subsection (3) above to all residential property insurance policyholders who filed claims with the insurer for two or more of the 2004 hurricanes and to whom the insurer applied more than one hurricane deductible, whether there was a claim payment or not. Forms DFS-II-1611 and DFS-II-1612 are to be sent to residential policyholders. Forms DFS-II-1613 and DFS-II-1614 are to be sent to policyholders who are condominium associations.

(2) The insurer shall include, as part of its mailing of the notice and application forms, either on the application or a separate document, data which shall serve as documentation from the insurer that an insurance claim was not paid in full or in part, due to application of a deductible. That data shall consist of the following items:

- (a) Policyholder name(s);
- (b) Policy number;
- (c) Address of covered property;
- (d) Claim numbers of policy holder's hurricane claims;
- (e) Florida Company Code;
- (f) Amount of hurricane deductible applied under the policy to the claims, if the insurer has that information;

(g) Amount of the payment made, as of the date of the notice, for each hurricane claim;

(h) Any additional information and documentation that the insurer is reasonably able to provide, without manual review of its claim information, which would show that an insurance claim was not paid in full or in part, due to application of a deductible.

(3) If an insurer receives, and denies a claim for an amount which falls below the amount of a second or subsequent hurricane deductible established by the policy, the insurer shall provide documentation to the policyholder that the claim is denied based on application of the deductible, and shall mail the notice and application forms referenced in subsection (3) above to the policyholder within 10 business days of its determination that a second hurricane deductible is applicable. Forms DFS-II-1611 and DFS-II-1612 are to be sent to residential policyholders. Forms DFS-II-1613 and DFS-II-1614 are to be sent to policyholders who are condominium associations.

(4) If an insurer is contacted by a policyholder relative to a loss in an amount which, based on the policyholder's representation, falls below the amount of a deductible established by the policy, the insurer is not required to open a

claim or verify the value of the loss. In such cases the documentation provided pursuant to paragraph (c) above may, at the election of the insurer, indicate that no loss or claim was paid based on the policyholder's valuation of the loss and that the insurer has not verified such valuation.

(5) This subsection is not applicable to insurers that did not apply more than one deductible to claims resulting from the 2004 hurricanes.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.006 Collection of Data by the Office of Insurance Regulation.

(1) Pursuant to Chapter Law 2004-480, (HB 9A), the Office of Insurance Regulation shall collect data from residential property insurers regarding claims that were filed by policyholders for two or more hurricanes for the 2004 hurricane season.

(2) Within five calendar days of sending the notice and applications pursuant to Rule 69J-1.005, F.A.C., above, all insurers making such mailings shall submit the following information, if in the insurer's records, to the Office of Insurance Regulation:

- (a) Insured's full name as it appears on policy;
- (b) Address of insured property;
- (c) Policyholder's mailing address;
- (d) Florida Company Code;
- (e) Company Name;
- (f) Policy Number;
- (g) Number of residential units insured under policy as to which the claim was filed;
- (h) Number of insured locations under policy;
- (i) Claim number;
- (j) Date of Loss;
- (k) Name of hurricane;
- (l) Amount of claim paid, if any, up to the date the information is provided;
- (m) Deductible amount per insured location;
- (n) Amount of the claim to which the deductible was applied;

(3) Insurers must contact the Florida Department of Financial Services, Division of Information Systems' Help Desk at (850)410-9340 to obtain instructions for making the required filings.

(4) Within five calendar days of receiving a request from the Department and, verification from the Department of the policyholder's claim and authorization to release information, the insurer shall submit any information in the insurer's files that would assist the Department in determining the validity and reasonableness of a claim, to the Department of Financial Services as requested.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.007 Claim Submission Process.

(1) Those policyholders who meet the eligibility requirements of Chapter Law 2004-480, (HB 9A) shall complete the application form as indicated on that form. Form DFS-II-1612 is to be submitted by policyholders with residential property claims. Form DFS-II-1614 is to be submitted by policyholders who are condominium associations.

(2) The eligible policyholders shall mail the application form to Florida Department of Financial Services, 200 E. Gaines St, Rm. 529, Tallahassee, FL 32399-4213. The mailing must be postmarked or actually received by March 1, 2005 to maintain eligible status.

(3) Policyholders whose property was damaged by two or more hurricanes in 2004, who would have been entitled to compensation under their policy, but for the existence of a multiple deductible, and who did not file a claim because of the existence of a hurricane deductible, shall contact their insurer and shall acquire an application as specified in subsection (4), paragraph (b) above and complete and submit the application as described in paragraph (b) above, along with documentation from the insurer that the insurer did not pay the loss or claim in full or in part, due to application of the deductible.

(4) Application in an incorrect form will not result in a denial of an application, provided that all information needed to process the request is timely received by the Department.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.008 Aggregation of Deductibles.

(1) If the property was covered by an insurer during one hurricane and as a result of nonrenewal, cancellation or otherwise was covered by another insurer during a subsequent hurricane, the deductibles applied by the separate insurers shall be aggregated to achieve eligibility for the reimbursement program. Under no other circumstances will deductibles under multiple policies be aggregated to achieve eligibility.

(2) Multiple deductibles applied to only one hurricane will not be sufficient to achieve eligibility. Deductibles must have been applied to claims from more than one hurricane in order to be a basis for eligibility.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.009 Processing of Claims.

(1) For the purposes of processing, claims will be divided into two categories: Priority One and Priority Two. Priority One Claims are those of policyholders who received claims payments from their insurer for two or more hurricanes for which at least two payments were reduced by the full amount of the deductible. The entire reimbursement request will be considered as a Priority One Claim even if in addition the two deductibles a partial deductible was also applied. Priority Two

claims are all claims other than Priority One claims of policyholders who meet the eligibility criteria in Chapter Law 2004-480, (HB 9A).

(2) All valid and reasonable Priority One claims shall be paid before Priority Two claims.

(3) Valid and reasonable Priority One claims shall be paid in the order that properly completed applications are received. If a timely filed application is not properly completed until additional information is received by the Department, its placement in the order of processing among Priority One claims will be based on the date and time the additional information is received by the Department.

(4) After all properly completed, valid and reasonable Priority One claims have been paid, the Department shall calculate the reimbursement amounts for all valid and reasonable Priority Two Claims. If the total of those amounts does not exceed what is left of the appropriated funds, all properly completed, valid and reasonable Priority Two Claims shall be reimbursed in full. If the total of the reimbursement amount for Priority Two Claims exceeds the remainder of appropriated funds, reimbursement shall be made on a *pro rata* basis so that each policyholder with a Priority Two claim receives an equal percentage of the amount of the reimbursement claim approved.

(5) Determination of eligibility and the amount of reimbursement shall be made in accordance with the provisions and methods set forth in Chapter Law 2004-480, (HB 9A), this rule and the forms incorporated in Rule 69J-1.003, F.A.C.

(6) For an application to be eligible for reimbursement the applicant must have submitted documentation from the insurer that the insurance claim was not paid, in full or in part, due to application of the deductible.

(7) Subsequent to the filing of an application, upon request by the Department, a policyholder will be allowed 10 calendar days from the date of the Department's request, to provide additional information necessary for the application to be properly completed.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.010 Burden to Justify Reimbursement is on the Policyholder.

The burden to justify a reimbursement is on the policyholder applying for reimbursement.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.012 Determination of Claim Validity.

(1) If the documentation in the file of the applicant includes a copy the insurance policy or information from the insurer as to the extent of the coverage upon which application



is based, the department will look to the terms of that policy or the information from the insurer to determine if a loss is subject to coverage under the policy.

(2) If the documentation in the file of the applicant does not include a copy the insurance policy or information from the insurer as to the extent of the coverage upon which application is based, the department will look to Form HO-3, which is hereby incorporated by reference, as a basis to determine claim validity.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_

#### 69J-1.013 Valuation of Loss.

(1) The valuation of the loss upon which the deductible reimbursement is calculated will be based on documentation that was received by the Department pursuant to Emergency Rule 69JER05-1, filed January 6, 2005, which is hereby incorporated by reference. A copy of that emergency rule can be obtained from fldfs.com.

(2) If the valuation of the claim included with the policyholder's application and the valuation of the information received by the Department from the insurer are equal, then no additional documentation is required to verify that amount.

(3) If the valuation of the claim received by the Department from the insurer is less than the amount for which the policyholder applies, or no valuation information is provided from the insurer, then other documentation will be necessary to justify the additional amount for which application has been made. That documentation will be weighted as follows:

(a) High Weight Documentation. Supporting documentation that is produced by a person without a direct interest in the prospective reimbursement, who has expertise in valuation of the type of loss sustained, and who has inspected the property is considered the strongest type of documentation to evidence the valuation of a loss. This documentation will be given high weight. Examples of this type are:

1. A damage report from a governmental agency such as FEMA, or a county building department.
2. Engineering or other licensed expert's damage assessment report.
3. Licensed building contractor estimate or invoice.
4. Public adjuster's damage loss report.

(b) Low Level Documentation. Supporting documentation that is provided by the policyholder with a direct interest in the prospective reimbursement, or by a witness without expertise in insurance adjusting or construction will be given low weight. Examples of this type are:

- a. Photographs of damage;
- b. Receipts for materials purchased for repairs;
- c. Written statement from a disinterested witness without expertise in insurance adjusting or construction.

(4) The level of justification required for a claim will vary with the projected reimbursement amount as follows:

(a) For reimbursement applications totaling \$1,000 or less, the application file must contain at least one piece of low weight documentation.

(b) For reimbursements over \$1,000, but no more than \$2500, the application file must contain at least one piece of high weight documentation or two pieces of low weight documentation. For all reimbursements over \$1,000, but no more than \$2500 which do not contain any pieces of high evidence, an affidavit form DFS-I0-1645, as incorporated in Rule 69J-1.003, F.A.C., will be sent to the consumer for signature and notarization. That form must be returned signed and notarized for the request to be processed.

(c) For reimbursements over \$2,500 the application file must contain at least two pieces of high weight documentation or one piece of high and two pieces of low weight documentation.

(5) Multiple photographs, receipts, or other kinds on documentation will be aggregated by kind to constitute a "piece" for purposes of this rule. For example six photographs and eight receipts are two pieces of evidence.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_

#### 69J-1.020 Special Rule for Condominium Association Claims.

(1) Chapter Law 2004-480 treats condominium associations differently than other policyholders. Apartment building owners, and homeowner associations, will not be treated as condominium associations for purposes of the reimbursement program.

(2) Interpretation of the \$3,000 Per Unit Limit.

(a) Condominium associations are limited by Section 2., (4)(b) of Chapter Law 2004-480, to reimbursements of the greater of:

1. \$3,000 per residential condominium unit covered under a policy.
2. \$10,000 if a deductible was applied for two hurricanes.
3. \$20,000 if a deductible was applied for three or more hurricanes, or
4. \$10,000 per structure damaged.

(b) Commercial units such as stores, business offices, and restaurants shall not be counted as units to be multiplied by \$3000 for the limit calculation.

(c) The number of residential condominium units used for the limit calculation is limited, by the number of residential units in the condominium, and the number of residential units in structures covered by the policy from which the deductibles were applied. The number of structures damaged, and the number of structures in the condominium do not impact the calculation, of the limit. Residential units of undamaged

buildings will be counted in the limit calculation if they are in the same condominium as the damaged property, and covered under the same insurance policy as the damaged property.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.025 Impact of Variations Among Deductibles.

(1) If deductible amounts vary among claims, the first deductible applied will be used as the standard to determine if the eligibility requirement that one full deductible be paid has been met.

(2) In the reimbursement calculation, the deductibles applied to claims based on hurricanes subsequent to the hurricane to which the first deductible applied, will be totaled to determine the reimbursable amount subject to deductions and limitations imposed by Chapter Law 2004-480.

(3) For a subsequent deductible to be eligible for reimbursement, it must be a deductible of the same type as that applied to a claim from a prior hurricane. Also such a deductible will not count toward the requirement of meeting a full deductible for reimbursement of a subsequent deductible of a different type. For example, if a separate deductible is applied for food spoilage, or for association assessments, the application of that deductible to a claim from the prior hurricane will not serve as a basis for reimbursement of a subsequent deductible for property damage.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.030 Assignment of Rights Under the Program.

(1) The program created by Chapter Law 2004-480 is for the benefit of policyholders only. Therefore, no assignment of rights to reimbursement under the program is permitted.

(2) Notwithstanding subsection (1) above a right to reimbursement may be passed through an estate by devise or inheritance, or may be acquired by a lender pursuant to terms of a mortgage agreement secured by the real property to which the application for reimbursement relates.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

69J-1.031 Death of Policyholder.

If a named policyholder dies a successor in interest may apply as the policyholder subject to documentation that the applicant is the legal successor in interest to the proceeds of the insurance policy upon which the application is made.

Specific Authority Chapter Law 2004-480 FS. Law Implemented Chapter Law 2004-480 FS. History--New \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Historical Resources

|                          |            |
|--------------------------|------------|
| RULE TITLES:             | RULE NOS.: |
| Definitions              | 1A-35.002  |
| Grant Funding            | 1A-35.005  |
| Application Requirements | 1A-35.007  |

PURPOSE AND EFFECT: The proposed amendment will revise and update the rule to be in conformance with Chapter 267, F.S., and changes in administrative procedure. Provide for the waiver of the financial matching requirements on Historic Preservation grants for rural communities the have been designated in accordance with Section 288.0656, Florida Statutes; and to update obsolete terms and references.

SUMMARY: To comply with Chapters 267.0612 and 267.0617, F.S., the definitions have been updated and expanded. Proposed revisions also include further delineation of the Division's administration procedure for the Historic Grants-in-Aid program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The proposed revisions do not incur any regulatory costs.

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: 267.031(1), 267.0617(5) FS.

LAW IMPLEMENTED: 267.0617(2) FS.

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

TIME AND DATE: 9:00 a.m., May 2, 2005

PLACE: Third Floor Conference Room, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert C. Taylor, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333

THE FULL TEXT OF THE PROPOSED RULES IS:

1A-35.002 Definitions.

The following words and terms shall have the following meanings:

(1) through (2) No change.

(3) "Division" means the Division of Historical Resources of the Department of State.

(4)(3) "Florida Master Site File" means the list or catalog, maintained by the Division, of all recorded historical and archaeological sites and properties in the State of Florida.

(5) “Historic Preservation Grant” means a legislative or federally funded grant awarded to carry out specific historic preservation projects for a specified period of time.

(6)(4) “Historic district” means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

(7) “Historic markers” means Official Florida Historic Markers as defined by subsection 1A-48.002(3), Florida Administrative Code.

(8)(5) “National Register of Historic Places” means the list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture, authorized by the National Historic Preservation Act of 1966, as Amended through 2000, and administered by the U.S. Department of the Interior, National Park Service. The National Historic Preservation Act of 1966 is incorporated by reference and a copy is available in the Division.

(9)(6) “Protection” means the act or process of applying measures designed to affect the physical condition of a site or property by defending or guarding it from deterioration, loss, or attack. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future treatment; in the case of archaeological sites, the protective treatment may be temporary or permanent.

(10)(7) “Rehabilitation” means the act or process of returning a site or property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

(11)(8) “Restoration” means the act or process of accurately recovering the form and details of a site or property and its setting as it appeared at a particular period of time by means of the removal of later work or by replacement of missing earlier work.

(12)(9) “Special Category Grant” means a type of Historic Preservation Grant legislative grant for a major project with grant needs in excess of \$50,000 and including may include Florida history museums.

(13)(10) “Stabilization” means the act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the existing form.

(14)(11) “Survey” means the act or process of determining the location and identification of historical and archaeological sites and properties. An aspect of identification is evaluation, meaning determination of the historical significance or values represented by historical and archaeological sites and properties which have been located and otherwise described.

Specific Authority 267.031(1) FS. Law Implemented 267.0617(2) FS. History—New 10-18-83, Formerly 1A-35.02, Amended 11-24-87, 9-4-96,

1A-35.005 Grant Funding.

(1) Source of Grant Funds.

(a) No change.

(b) Federal funds for historic preservation grants-in-aid are apportioned to the State of Florida by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act, and are deposited in the Historical Resources Operating Historic Preservation Trust Fund pursuant to Section 267.0617, Florida Statutes. No Acquisition and Development projects for religious properties may be funded with these federal funds.

(c) The use of federal funds provided by the U.S. Department of the Interior for historic preservation grants-in-aid is subject to the policies, procedures, and guidelines set forth by that agency in the March, 2005 1995 edition of the Historic Preservation Fund Grants Manual, National Register Programs Guideline, NPS-49, incorporated by reference. A copy of the manual guideline may be obtained by writing or calling the Division Bureau of Historic Preservation and paying the cost of copying.

(d) State funds consist of funds in the Historic Preservation Trust Fund which have been appropriated by the Florida Legislature, made available from dedicated sources, donated pursuant to Section 550.0351(2), Florida Statutes, or contributed from any other public or private source, except those federal funds for grants-in-aid received from the U.S. Department of the Interior, pursuant to the National Historic Preservation Act.

(e) Should an entity receive legislative funds outside the review of the Grant Review Panel, Florida Historical Commission, or Secretary of State, the entity shall not be eligible to receive historic preservation grant assistance from the Division for the same project within the same fiscal year in which the legislative funding is made available.

(2) Funding Categories.

(a) No change.

1. through 2. No change.

(b) Federal grant monies apportioned to the State by the U.S. Department of the Interior, pursuant to the National Historic Preservation Act, are authorized for up to 60% 50% of the cost of all eligible Acquisition, Development, Survey and Planning projects. Acquisition and Development projects and up to 70% of the cost of all eligible Survey and Planning projects.

1. No change.

2. In addition, to be eligible for federal Acquisition and Development, or Survey and Planning assistance, projects must conform to the policies, procedures, and guidelines contained in the March, 2005 1995 edition of the Historic Preservation Fund Grants Manual National Register Programs Guideline, NPS-49 and to any special conditions required by

the U.S. Department of the Interior in apportioning monies to the State of Florida from which such projects will be funded. Examples of special conditions include ending dates by which all costs charged against a federal grant must be incurred and any prohibitions against the use of federal grant funds for lobbying activities.

(c) No change.

(d) At least 80% of each donation to the Historical Resources Operating ~~Historic Preservation~~ Trust Fund pursuant to Section 550.0351(2), Florida Statutes, shall be available for allocation to eligible projects within a 50-mile radius of the racetrack or fronton which held the Charity Day from which the donation is derived. The remaining 20% of each donation may be used for eligible projects in other areas of the state.

(e) The Division will waive the financial matching requirements on state funds awarded for Historic Preservation Grant assistance, except for Special Category Grants, Acquisition of Historic properties and the purchase of historic markers, for an applicant that has been designated as REDI qualified in accordance with Sections 288.0656 and 288.06561, Florida Statutes. A request for waiver of matching requirements must be submitted with each grant application.

Specific Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2) FS. History—New 10-18-83, Formerly 1A-35.05, Amended 9-4-96,

1A-35.007 Application Requirements.

(1) Application Procedures.

(a) Applications for historic preservation grants-in-aid ~~from the Historic Preservation Trust Fund~~ shall be signed by the person or persons with legal authority to obligate the applicant and shall be made on a Historical Resources Grants-in-Aid Application Form HR3E0410705 HR3E210695, effective July, 2005 July 1996, which is incorporated by reference, and a copy of which is available ~~may be obtained~~ from the Division ~~Bureau of Historic Preservation~~.

(b) Eligible applicants for historic preservation grants-in-aid assistance shall be in accordance with Chapter 267.0617(2), Florida Statutes. ~~from the Historic Preservation Trust Fund include:~~

1. ~~Departments or agencies of the state;~~
2. ~~Unit of county, municipal or other local government;~~
3. ~~Any corporation, partnership, or other organization, public or private and whether or not for profit; or~~
4. ~~Any individual.~~

~~(c) Funds appropriated from general revenue for the historic preservation grants program, however, shall not be used to provide grant assistance to projects owned by individuals or for-profit corporations.~~

~~(c)(d)~~ Applicants may submit more than one application for grant assistance ~~from the Historic Preservation Trust Fund~~. An application for a Special Category grant project must be limited to a single site, or group of sites in which all the properties have the same owner(s).

~~(d)(e)~~ The Division reserves the right to request additional information or clarification on any application that is submitted. Such request shall be made to the applicant by letter, facsimile, e-mail, or by telephone and shall indicate the date by which the information or clarification is needed.

~~(e)(f)~~ Applications shall be submitted to the Division to the attention of the Bureau of Historic Preservation and shall include the original and the number of copies as specified in the grant application ~~thirteen complete copies.~~

~~(f)(g)~~ Deadlines. There are two ~~three~~ funding cycles annually; one for Special Category grant funds, and one ~~two~~ for state and federal matching grant funds. Applicants must submit separate applications for each cycle.

1. through 4. No change.

(2) Application Review.

(a) No change.

(b) The Division shall send copies of the applications to each member of the Grant Review Panel or the Florida Historical Commission ~~Historic Preservation Advisory Council~~ in sufficient time for members to review all applications prior to the Panel or Commission Council convening in a public meeting for the purpose of considering the applications for funding.

(c) The Division shall also provide the following information to the Grant Review Panel or the Florida Historical Commission ~~Council~~:

1. through 2. No change.

(d) The Grant Review Panel and the Florida Historical Commission ~~Advisory Council~~ shall each convene in a public meeting to review and evaluate all applications for historic preservation grants-in-aid. The Grant Review Panel and the Florida Historical Commission ~~Council~~ shall annually hold separate meetings to consider applications for federal, state and Special Category grant assistance. Applications for Historic Preservation Grants shall be reviewed by a Grant Review Panel appointed by the Secretary of State. Applications for Special Category grants assistance shall be reviewed by the members of the Florida Historical Commission.

1. The Grant Review Panel and the Florida Historical Commission ~~Council~~ shall each meet to consider applications for grant assistance within 150 days of the relevant application deadline.

2. The Division shall publish a notification of the time and place of the meeting and where a copy of the agenda may be obtained in the Florida Administrative Weekly at least 30 days prior to the Grant Review Panel or the Florida Historical Commission ~~Council~~ meeting.

3. No change.

(e) The Grant Review Panel and the Florida Historical Commission Council shall evaluate each application based on the criteria relating to the site involved, the prospective grantee, and the anticipated public benefit, as follows:

1. through 3. No change.

(f) The Grant Review Panel and the Florida Historical Commission Council shall each develop a priority listing of all project applications by ranking each project relative to the others and shall recommend funding levels and any appropriate special conditions for each individual project. An example of a special condition is a requirement that the grantee must execute restrictive covenants prior to receiving grant funds. The Grant Review Panels Council shall establish sub-categories of the Acquisition and Development and the Survey and Planning categories of grant assistance for the purpose of establishing priority listings and recommending funding levels. The Grant Review Panels Council shall further recommend that overall sub-categories be funded to specific levels and then rank individual projects within each sub-category, also recommending funding levels for each individual project.

(g) The recommendations of the Grant Review Panel and the Florida Historical Commission Council shall be submitted by the Division to the Secretary of State (Secretary) for review and approval. At a minimum, the written recommendations shall include a ranking of all proposed projects, however categorized, and the recommended funding level for each proposed project.

(h) through (i) No change.

(j) If additional grant funds become available during the grant year for either federal or state grants-in-aid, the Director shall increase the grant award or award a new grant for applications reviewed by the Grant Review Panel or the Florida Historical Commission Council during the normal review process or establish a special process for awarding such additional funds.

(3) Grant Award Agreement.

(a) through (c) No change.

(d) Funds remaining in any grant allocation as a result of early termination or from completion of the project at less than anticipated cost shall revert to the funding source from which the grant funds were appropriated ~~Historic Preservation Trust Fund~~ or be distributed in accordance with the procedures set forth in paragraph 1A-35.007(2)(j), F.A.C.

Specific Authority 267.031(1), 267.0617(5) FS. Law Implemented 267.0617(2) FS. History—New 10-18-83, Amended 10-3-84, Formerly 1A-35.07, Amended 7-21-86, 11-24-87, 12-26-91, 8-11-93, 9-4-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robert C. Taylor, Historic Preservationist Supervisor, Grants and Education Section, Bureau of Historic Preservation, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6333

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Frederick P. Gaske, Director, Division of Historical Resources

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2005

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE:

RULE NO.:

Adoption of Uniform Packaging and Labeling Regulation

5F-3.001

PURPOSE AND EFFECT: The purpose of Rule 5F-3.001, F.A.C., is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2005 edition of National Institute of Standards and Technology Handbook 130. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUMMARY: Updates Rule 5F-3.001, F.A.C., to adopt the current national requirements for the packaging and labeling of commodities as adopted by the National Conference on Weights and Measures and published as the “Uniform Packaging and Labeling Regulation” in the 2005 edition of National Institute of Standards and Technology Handbook 130. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 531.41(3) FS.

LAWS IMPLEMENTED: 531.41(4), 531.47, 531.49 FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 25, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2005 ~~2004~~ Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2005 ~~2004~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202) 512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm> ~~<http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>~~. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4), 531.47, 531.49 FS. History—New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director, Division of Standards  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2005

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Package Testing Procedures  
 RULE NO.: 5F-3.016  
 PURPOSE AND EFFECT: The purpose of Rule 5F-3.016, F.A.C., is to amend it to adopt the most recent national standards for package testing procedures as adopted by the National Conference on Weights and Measures and published in Fourth Edition (January 2005) of National Institute of Standards and Technology Handbook 133. Adoption of the current national standards will make Florida’s requirements uniform with the national requirements and facilitate interstate commerce and trade.  
 SUMMARY: Updates Rule 5F-3.016, F.A.C., to adopt the current national requirements for package testing procedures as adopted by the National Conference on Weights and Measures and published in Fourth Edition (January 2005) of National Institute of Standards and Technology Handbook 133.

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: 531.41(3) FS.

LAWS IMPLEMENTED: 531.41(13) FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 25, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-3.016 Package Testing Procedures.

The Department of Agriculture and Consumer Services hereby adopts the National Institute of Standards and Technology (NIST) Handbook 133, “Checking the Net Contents of Packaged Goods,” Fourth Edition (January 2005 ~~2003~~) as the Rule for the procedures for testing packaged goods and commodities for net contents and incorporates said Handbook herein by this reference. A copy of NIST Handbook 133, Fourth Edition (January 2005 ~~2003~~) may be obtained from the National Conference on Weights and Measures, 15245 Shady Grove Road, Suite 130, Rockville, Maryland 20850, Phone: (240)632-9454 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm> ~~<http://ts.nist.gov/ts/htdocs/230/235/h1334.htm>~~.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director, Division of Standards  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Specifications, Tolerances and Other Technical Requirements for Commercial Weighing and Measuring Devices  
 RULE NO.: 5F-5.001

PURPOSE AND EFFECT: The purpose of this rule is to amend Rule 5F-5.001, F.A.C., to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2005 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida's requirements with the national requirements to facilitate interstate commerce and trade.

SUMMARY: Rule 5F-5.001, F.A.C., adopts the current national standards for specifications, tolerances and other technical requirements for commercial weighing and measuring devices as published in the 2005 edition of National Institute of Standards and Technology Handbook 44.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 531.40, 531.41(3) FS.

LAWS IMPLEMENTED: 531.40 FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 25, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2005 ~~2004~~ Edition, are hereby adopted as rules for the requirements for commercial

weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2005 ~~2004~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202) 512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm> ~~<http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>~~.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2005

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Adoption of Uniform Methods of Sale  
 RULE NO.: 5F-7.005

PURPOSE AND EFFECT: The purpose of this rule is to adopt the most recent national standards for the method of sale of commodities established by the National Conference on Weights and Measures and published in the 2005 edition of National Institute of Standards and Technology Handbook 130. Adoption of the national standards will make Florida's requirements for methods of sale uniform with the national standards and facilitate interstate commerce and trade.

SUMMARY: Adopts the current national model methods of sale of commodities being sold by weight, measure or count, as published in National Institute of Standards and Technology Handbook 130 to provide for interstate commerce, facilitate value comparison and provide adequate quantity information for consumers and purchasers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 531.41(3) FS.

LAWS IMPLEMENTED: 531.41(4), 531.45 FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 25, 2005  
PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2005 2004 Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2005 2004 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm> <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History—New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2005

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLE: Test Procedures to Determine Acceptable Pricing Practices

RULE NO.: 5F-12.001

PURPOSE AND EFFECT: The purpose of Rule 5F-12.001, F.A.C., is to amend it to adopt the current publication in which the referenced standard is now found. It previously was

published in National Conference on Weights and Measures (NCWM) Publication 19, 1995 edition, but is now published in the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2005 Edition. This is the most recent publication for uniform weights and measures requirements.

SUMMARY: Adoption of this current national standard will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade. It also reflects the new placement of this reference for test procedures and compliance standards for determining pricing accuracy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 531.41(3) FS.

LAW IMPLEMENTED: 531.44 FS.

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

TIME AND DATE: 10:00 a.m., Monday, April 25, 2005  
PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-12.001 Test Procedures to Determine Acceptable Pricing Practices.

The Department of Agriculture and Consumer Services hereby adopts the "Examination Procedure for Price Verification" promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2005 Edition, found in "National Conference on Weights and Measures (NCWM) Publication 19, 1995 edition", as the Rule for the sampling procedures and compliance standards in testing the accuracy of pricing practices employed by businesses and other entities in the state and incorporates said regulation herein NCWM Publication 19 by this reference. A copy of NIST Handbook 130, 2005 Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>. A copy of



NCWM Publication 19 may be obtained from the National Conference on Weights and Measures, Post Office Box 4025, Gaithersburg, Maryland 20885, Phone: (301)975-4012.

Specific Authority 531.41(3) FS. Law Implemented 531.44 FS. History--New 4-9-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2005

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

RULE CHAPTER TITLE: Water Quality/Quantity BMPs for Indian River Area Citrus Growers

RULE CHAPTER NO.: 5M-2

RULE TITLE: Approved BMPs

RULE NO.: 5M-2.002

PURPOSE AND EFFECT: To amend Rule 5M-2.002, F.A.C., to incorporate the most recent version of the BMP manual.

SUMMARY: The rule amendment changes the date of the manual incorporated by reference to accurately reflect the most recent revisions.

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 within 21 days of this notice.

SPECIFIC AUTHORITY: 403.067(7)(d) FS.

LAW IMPLEMENTED: 403.067(7)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Jennings, Environmental Specialist III, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249, Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULE IS:

5M-2.002 Approved BMPs.

The document titled *Water Quality/Quantity BMPs for Indian River Area Citrus Groves* (January, 2005 ~~May, 2000~~) is hereby incorporated and adopted by reference in this rule for Brevard, Indian River, Martin, Okeechobee, Palm Beach, St. Lucie and Volusia counties. Copies of the document may be obtained from the University of Florida, Indian River Research and Education Center, 2199 South Rock Road, Ft. Pierce, Florida 34945.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History--New 6-24-02, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Jennings, Environmental Specialist III, Office of Agricultural Water Policy

NAME OF PERSON OR SUPERVISOR WHO APPROVED PROPOSED RULE: Chuck Aller, Director, Office of Agricultural Water Policy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2004

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLES: Definition of Terms  
Fair Consumer Practices

RULE NOS.: 6E-1.003  
6E-1.0032

PURPOSE AND EFFECT: The purpose of the amendment to Rule 6E-1.003, F.A.C., is to add the term scholarship to the terms defined for use within the rules. The amendment to Rule 6E-1.0032, F.A.C., is to clarify nonrefundable application fees, admission standards, add guidance for licensees regarding special requirements or limitations of students and define a binding contract between the institution and the student.

SUMMARY: Rule 6E-1.003, F.A.C., sets forth the terms and their definitions for use within the rules, and the amendment to Rule 6E-1.003, F.A.C., adds the term scholarship to the terms defined for use within the rules. Rule 6E-1.0032, F.A.C., sets forth to clarify nonrefundable application fees, admission standards, add guidance for licensees regarding special requirements or limitations of students and define a binding contract between the institution and the student.

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

LAW IMPLEMENTED: 1005.04, 1005.22, 1005.31, 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 Apachee Parkway, Suite A, Tallahassee, FL 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

6E-1.003 Definition of Terms.

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

(1) through (47) No change.

(48) Scholarship – “a grant-in aid to a student.” The offer of a grant-in-aid to an enrolled student to offset partial or complete costs of a course, program, certificate or degree.

(48) through (50) renumbered (49) through (51) No change.

Specific Authority 1005.22(1)(e) FS. Law Implemented 1005.22, 1005.31 FS. History—Repromulgated 12-5-74, Amended 7-28-75, Formerly 6E-4.01(8), Readopted 11-11-75, Amended 3-7-77, 10-13-83 Formerly 6E-4.03, Amended 2-22-89, 11-29-89, 10-19-93, 4-11-00, 1-7-03, 12-23-03, 7-20-04, 3-28-05,

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 (h) No change.

(i) Student refund policies: This rule establishes the Commission’s minimum refund guidelines for licensed institutions. Refund policies which pertain to students who are receiving Title IV Federal Student Financial Assistance or veterans’ benefits shall be in compliance applicable federal regulations.

1. through 5. No change.

6. Nonrefundable application fees regarding admission and registration of for Florida students shall not exceed \$150 \$50. The requirements regarding refund policies as stated herein do not apply to dormitory or meal fees. Refund policies for those fees, if charged, shall be set by the institution and also disclosed in conjunction with the refund policy.

(j) through (k) No change.

(7) No change.

(8) A licensed institution which is not accredited by a USDOE recognized institutional accrediting agency shall use an enrollment agreement or application for admission which, in addition to the catalog, shall be the binding contract between the institution and the student. The binding document shall include, but not be limited to, the following:

(a) Title. The binding document shall be identified by title as a “Contract”, “Agreement”, “Application” or similar title and clearly indicate that it will constitute a binding agreement upon acceptance by the institution and the student;

(b) Name of the institution. Name, phone number, and physical address of the institution;

(c) Title of Program. Program title as licensed and identified in the catalog.

(d) Time Required. Number of clock hours or credit units, including the number of weeks or months, or credit hours required for completion;

(e) Credential for Satisfactory Completion;

(f) Costs. All costs shall be clearly stated;

1. Tuition. The total tuition for the program must be listed by the total length of the program, the tuition cost per credit hour, clock hour, term or academic year.

2. Fees. All refundable and nonrefundable fees payable by the student.

3. Books and supplies. The cost for books and supplies may be estimated if necessary. This item may be omitted if the binding document state that the costs for books and supplies are included in the tuition charges as stated in the document.

4. Any other costs. Any other costs required to be paid by student, whether or not purchased from the school. These costs may be stated as a listing of goods or services not included in the tuition.

(g) Terms of payment. The method of payment of all costs shall be clearly stated in the binding document and shall comply with federal and state laws.

(h) Class Start.

(i) Anticipated Program Completion Date (for Institutions that are not Colleges or Universities).

(j) Class Schedule. The day, evening or other schedule of class attendance must be clearly stated (if known at the time of signature by student).

(k) Termination or Cancellation by the Institution or Student. Grounds or procedures for cancellation of a binding document by an institution or student shall be clearly stated.

(l) Refund Policy. Institutions shall comply with refund policy as provided in subsection 6E-1.0032(6), F.A.C.

(m) Employment Guarantee Disclaimer. Institutions shall publish the disclaimer as provided in paragraph 6E-1.0032(6)(j), F.A.C.

(n) Statement that all signers have received and read a copy of the binding document and catalog.

(o) Signatures and Acceptance. The binding document shall contain the date and signature of the applicant and parent or guardian, if the applicant is under eighteen (18) years of age and the acceptance date and signature of the appropriate official at the institution.

(p) Format. If the binding document is not completed on one (1) side of a single sheet of paper, each side must clearly and conspicuously refer to the conditions on the other side as being part of the document. If more than one (1) page is used, each page must be numbered page 1 of \_\_\_ pages, page 2 of \_\_\_ pages, etc.

(8) through (10) renumbered (9) through (11) No change.

Specific Authority 1005.22(1)(e)1., 1005.34 FS. Law Implemented 1005.04, 1005.32(5), 1005.34 FS. History—New 10-19-93, Amended 4-2-96, 11-5-00, 1-7-03, 1-20-04, 3-29-04, 3-28-05, \_\_\_\_\_.

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: March 4, 2005

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLE: Actions Against A Licensee; Penalties

RULE NO.: 6E-2.0061

PURPOSE AND EFFECT: This rule is being amended to clarify cease and desist orders in conjunction with a notice of denial of licensure.

SUMMARY: The proposed rule amendment is necessary to clarify cease and desist orders in conjunction with a notice of denial of licensure.

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.

IF REQUESTED IN WRITING 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 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.0061 Actions Against A Licensee; Penalties.

(1) through (7) No change.

(8) Cease and Desist orders. Cease and desist orders shall be issued by the Commission upon finding probable cause or in conjunction with a notice of denial of licensure, and shall comply with Section 1005.38, F.S., and other applicable laws.

(9) through (10) No change.

Specific Authority 1005.32(7), 1005.38 FS. Law Implemented 1005.32(7), 1005.34(3), 1005.38 FS. History—New 10-13-83, Formerly 6E-2.061, Amended 5-20-87, 11-27-88, 11-29-89, 12-10-90, 10-19-93, 1-7-03, 7-20-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Commission for Independent Education

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

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

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

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

|                                       |            |
|---------------------------------------|------------|
| RULE TITLES:                          | RULE NOS.: |
| Capital Investment Tax Credit Program | 12C-1.0191 |
| Returns; Filing Requirement           | 12C-1.022  |

PURPOSE AND EFFECT: The purpose of proposed new Rule 12C-1.0191, F.A.C. (Capital Investment Tax Credit Program) is to establish procedures taxpayers can use to apply for, and to participate in, this tax credit program.

The purpose of the proposed amendments to Rule 12C-1.022, F.A.C., is to clarify the Corporate Income Tax return filing requirements for political organizations.

SUMMARY: Proposed new Rule 12C-1.0191, F.A.C.: (1) provides information and instructions on the procedures to follow in applying for the capital investment tax credit provided in Section 220.191, F.S.; 2) describes the process, mandated by statute, that the Department will follow in entering into written agreements with taxpayers to determine the eligible income from a qualifying project; 3) provides guidance on the use of “pro forma” income tax returns for qualifying projects; 4) provides that a copy of the Office of Tourism, Trade, and Economic Development certification, Enterprise Florida documents, and “pro forma” tax return, if applicable, be attached to the tax return on which a capital investment tax credit is claimed; and 5) provides that a taxpayer claiming the capital investment tax credit against the insurance premium tax may not claim credit for the same qualifying project against the corporate income tax.

The proposed amendments to Rule 12C-1.022, F.A.C. (Returns; Filing Requirement), clarify the filing requirements for political organizations.

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

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

SPECIFIC AUTHORITY: 213.06(1), 220.191(7), 220.22, 220.51 FS.

LAW IMPLEMENTED: 220.191, 220.22 FS.

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

TIME AND DATE: 11:00 a.m., April 26, 2005

PLACE: Room 435, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. A person who is hearing-impaired or speech-impaired, should contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department's proposed rules are available on the Department's web site: [www.myflorida.com/dor/rules](http://www.myflorida.com/dor/rules).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715, e-mail: [ducasser@dor.state.fl.us](mailto:ducasser@dor.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULES IS:

12C-1.0191 Capital Investment Tax Credit Program.

(1) Section 220.191, F.S., requires an application process for the capital investment tax credit, which includes review and recommendation by Enterprise Florida (EFI), and a certification from the Office of Tourism, Trade, and Economic Development (OTTED). Once the applicant has been recommended by EFI and certified by OTTED, the applicant is required to reach a written agreement with the Florida Department of Revenue (Department) on how the taxable income from the qualifying project is to be determined or calculated. The Department adopts a Technical Assistance Advisement (TAA), which the applicant requests from the Department, as the method for entering into such written agreement. When requesting the TAA, the applicant should follow the guidelines provided in Rule 12-11.003, F.A.C., and in addition, include how they propose to determine the taxable income generated by or arising out of the qualifying project.

(a) In situations where the applicant is using a separate corporate entity to account for the activities of the qualifying project, the taxable income generated by that entity as reported on the return filed pursuant to Section 220.22(1), F.S., will be used to determine the amount of income tax due, and the subsequent amount of the credit that will be available for use. If the applicant has other activities not related to the project reported on this return, a pro forma attachment will be required to separately account for the taxable income generated by the project, the resulting amount of tax due, and the subsequent amount of the credit that will be available for use.

(b) Where the activities of the qualifying project are included within preexisting multiple corporate structures, such as several affiliates or divisions, or the activities of the project are included within a corporation or corporations that are included in filing a consolidated income tax return filed pursuant to Section 220.131, F.S., the applicant will be required to separately account for, using a "pro forma" format, the qualifying project's taxable income, the amount of income tax due, and subsequent credit. This pro-forma attachment will indicate separately all revenues, expenses, either direct or indirect, and any other adjustments made in the determination of the project's annual taxable income, and the subsequent annual amount of the Capital Investment Tax Credit that may be claimed in the Florida corporate income tax return. This computation requires the qualifying project's annual taxable income to be determined by generally accepted accounting principles (GAAP) and, to conform to the provisions contained in Florida Corporate Tax Law under Chapter 220 of the Florida Statutes.

(c) In situations where the activities of the project are included within other types of corporate structures, the applicant will be required to separately account for, using a "pro forma" format, the qualifying project's taxable income, the amount of income tax due, and subsequent credit. This pro-forma attachment will indicate separately all revenues, expenses, either direct or indirect, and any other adjustments made in the determination of the project's annual taxable income, and the subsequent annual amount of the Capital Investment Tax Credit that may be claimed in the Florida corporate income tax return. This computation requires the qualifying project's annual taxable income to be determined by generally accepted accounting principles (GAAP) and, to conform to the provisions contained in Florida Corporate Tax Law under Chapter 220 of the Florida Statutes.

(2) The maximum annual amount of Capital Investment Tax Credit is limited to 5 percent of the certified eligible capital costs of the qualifying project, for a period not to exceed 20 years, beginning with the commencement of the project's operations. The tax credit may not be carried forward or backward. The sum of all capital investment tax credits cannot exceed 100 percent of the eligible capital costs of the project.

(3) A copy of the OTTED certification, EFI documents, and any "pro forma" attachment required by the written agreement to provide the calculations used in the determination of the annual taxable income generated by or arising out of the qualifying project, should be included with the Florida Corporate Income Tax Return (form F-1120) when filing for, and claiming the Capital Investment Tax Credit.

(4) A taxpayer that claims the capital investment tax credit against the insurance premium tax may not claim credit for the same qualifying project against the corporate income tax.

(5) Taxpayers making application for the Capital Investment Tax Credit should refer to Section 220.191, F.S., for the definition of terms, statutory requirements, and other pertinent guidelines.

Specific Authority 213.06(1), 220.191(7), 220.51 FS. Law Implemented 220.191 FS. History—New \_\_\_\_\_.

12C-1.022 Returns; Filing Requirement.

(1) In general, every corporation as defined in Section 220.03(1)(e), F.S., subject to tax under Part II of Chapter 220, F.S., and every bank and savings association subject to tax under Part VII of Chapter 220, F.S., shall make a return of income for each taxable year in which such entity either is liable for tax under the Florida Income Tax Code, or is required to make a federal income tax return, regardless of whether such taxpayer is liable for tax under the Florida Income Tax Code.

(a) through (c) No change.

(d) Political organizations subject to Internal Revenue Code Section 527 who are required to file Federal Form 1120-POL must file a Florida Form F-1120 when the political organization reports federal taxable income on Federal Form 1120-POL or any other federal income tax form, ~~regardless of whether any tax is due.~~

(e) through (6) No change.

Specific Authority 213.06(1), 220.21, 220.51 FS. Law Implemented 220.22 FS. History—New 10-20-72, Amended 10-20-73, Revised 10-8-74, Amended 3-5-80, Formerly 12C-1.22, Amended 12-21-88, 4-8-92, 12-7-92, 3-18-96, 10-2-01, 6-19-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715, e-mail: ducasser@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rod Felix, Revenue Program Administrator, Technical Assistance and Dispute Resolution, Department of Revenue, Tallahassee, Florida 32314, (850)922-4111

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2005, Vol. 31, No. 3, pp. 224-225. A workshop was held on February 8, 2005. No one other than Department staff attended the workshop, and no comments were received before, during, or after the workshop.

**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: 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.

SUMMARY: The proposed rule outlines the process for submission of a request and the actions that must be taken before a request will be reviewed; clarifies who may transport and under what circumstances; provides for ineligibility for inmates under sentence of death, inmates committed to a corrections mental health institution, and inmates in close management; requires written approval by the Deputy Assistant Secretary for Programs or designee for specific categories of inmates; requires written confirmation from mental health staff for specific categories of inmates; and requires that inmates must agree to substance abuse testing upon return and payment of testing costs for positive results.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(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 deathbed visit.

(2) Attendance of an inmate at a funeral or a deathbed 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 deathbed 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 deathbed 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 deathbed 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 deathbed 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 Correctional Mental Health Institution pursuant to court order of commitment, or in close management will not be eligible to attend a funeral or death bed visit. If the following conditions exist, an inmate will not be eligible to attend a funeral or death bed visit unless it is recommended the condition be waived by the regional director in writing and approved by the Deputy Assistant Secretary for Programs or designee. Decisions will be made on a case by case basis.

(a) The inmate has become a management problem and is under consideration for close management;

(b) The inmate has a prior history of escape or attempted escape (conviction is not required) and is presently close custody;

(c) The inmate has had one or more major disciplinary violations as defined in subsection 33-601.302(11), F.A.C., in the last six months;

(d) The inmate is housed in a Crisis Stabilization Unit or Transitional Care Unit unless a psychiatrist provides in writing that the inmate is suitable for temporary release pursuant to this rule.

(7) If the regional director approves the inmate for temporary release of custody, the warden or his or her designee will inform the sheriff or chief of tribal police by completing and faxing a written authorization to the requesting authority. The location of the inmate, when the inmate can be picked up, when the inmate is to be returned to department custody as determined by the regional director, and conditions of the transfer of custody if any will be included on the authorization.

(8) If the regional director disapproves the inmate, the warden or his or her designee will notify the requesting authority and document same in the inmate's file.

(9) Prior to the temporary release from custody, the warden will notify in writing the sheriff or chief of tribal police of the custody requirements of the inmate for whom they are assuming custody.

(10) If an inmate is to be transported out-of-state for a funeral or deathbed visit, the inmate will sign a waiver of extradition for the purpose stated and the inmate's subsequent return to the department as a condition of the temporary transfer of custody to the other state.

(11) An inmate being temporarily released to attend a funeral or deathbed visit must agree to submit to substance abuse testing as a condition of the release to determine whether unauthorized or illegal substances were used while outside the custody of the Department, and to pay for the cost of the testing if the results are positive.

(12) The warden or shift supervisor will:

(a) Verify the identity of the agent arriving at the institution to take custody of the inmate.

(b) Secure a receipt for temporary transfer of custody, and

(c) Ensure that there are no breaches of security and transportation requirements by the transporting agent that poses a threat to public safety.

(13) The warden or shift supervisor is authorized to refuse to relinquish temporary custody if any condition of this procedure is not met. The regional director will be informed immediately of such a decision.

(14) Upon return of the inmate to the custody of the department:

(a) Institutional staff shall provide a receipt to the agent returning the inmate, certifying the return of the inmate to department custody.

(b) The inmate shall be tested to determine whether alcohol, drugs or unauthorized controlled substances were used while the inmate was out of the Department's custody.

(c) The inmate shall be examined by medical staff.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History--New 10-8-76, Formerly 33-7.03, Amended, 4-25-86, 2-12-97, 11-16-97, Formerly 33-7.003, 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 23, 2005

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Water Levels and Rates of Flow  
RULE CHAPTER NO.: 40D-8

RULE TITLE: Guidance and Minimum Levels for Lakes  
RULE NO.: 40D-8.624

PURPOSE AND EFFECT: To amend Rule 40D-8.624, F.A.C., to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes for Weekiwachee Prairie Lake (Lake Theresa), Lake Lindsey, Mountain Lake, Hunters Lake, Neff Lake, and Spring Lake, in Hernando County, Florida. Crescent Lake, Pretty Lake, Horse Lake, and Lake Taylor in Hillsborough County, Florida. Buddy Lake, Lake Hancock, Middle Lake, Lake Pasadena and Clear Lake in Pasco County, Florida.

SUMMARY: Establishment of minimum lake levels and guidance levels for Hillsborough and Pasco County Lakes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being 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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(7), F.A.C., to establish the level. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.

| Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000.<br>Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929. |   |                               |                     |                         |                    |                    |
|---|---|-------------------------------|---------------------|-------------------------|--------------------|--------------------|
| Location by County and Basin  | Name of Lake and Section, Township and Range Information      | Ten Year Flood Guidance Level | High Guidance Level | High Minimum Lake Level | Minimum Lake Level | Low Guidance Level |
| (a) through (e) No change.  |   |                               |                     |                         |                    |                    |
| (f) In Hernando County Within the Coastal Rivers Basin<br>RESERVED  |   |                               |                     |                         |                    |                    |
|   | Hunters Lake<br>S-32, T-23S, R-17E                            | 20.8                          | 19.3                | 19.3<br>(CAT 3)         | 17.1<br>(CAT 3)    | 13.7               |
|   | Weekiwachee Prairie Lake (Lake Theresa)<br>S-23, T-23S, R-17E | 24.0                          | 22.6                | 21.4<br>(CAT 3)         | 18.3<br>(CAT 3)    | 17.5               |
| (g) No change.  |   |                               |                     |                         |                    |                    |
| (h) In Hernando County Within the Withlacoochee River Basin   | Lindsey, Lake<br>S-25, T-21S, R-19E                           | 72.4                          | 68.5                | 68.5<br>(CAT 2)         | 66.1<br>(CAT 2)    | 63.9               |
|   | Mountain Lake<br>S-16, T-23S, R-20E                           | 105.0                         | 102.8               | 102.8<br>(CAT 3)        | 99.5<br>(CAT 3)    | 96.3               |
|   | Neff Lake<br>S-20, T-23S, R-20E                               | 104.1                         | 102.2               | 102.2<br>(CAT 3)        | 94.5<br>(CAT 3)    | 87.4               |
|   | Spring Lake<br>S-15, T-23S, R-20E                             | 183.3                         | 181.6               | 180.1<br>(CAT 3)        | 179.0<br>(CAT 3)   | 179.0              |
| (i) through (k) No change.  |   |                               |                     |                         |                    |                    |
| (l) In Hillsborough County Within the Northwest Hillsborough Basin  |   |                               |                     |                         |                    |                    |
|   | Barbara, Lake<br>S-19, T-27, R-18                             | 54.96                         | 53.15               | 53.15<br>(CAT 3)        | 52.15<br>(CAT 3)   | 51.05              |
|   | Bird Lake<br>S-26, T-27, R-18                                 | 53.0                          | 49.6                | 49.6<br>(CAT 2)         | 48.6<br>(CAT 2)    | 47.5               |
|   | Brant Lake<br>S-23, T-27, R-18                                | 60.5                          | 58.0                | 58.0<br>(CAT 2)         | 57.0<br>(CAT 2)    | 55.9               |
|   | Calm Lake<br>S-14, T-27, R-17                                 | 51.02                         | 49.41               | 49.41<br>(CAT 3)        | 48.41<br>(CAT 3)   | 47.31              |
|   | Charles, Lake<br>S-23, T27, R-18                              | 56.2                          | 54.2                | 53.8<br>(CAT 1)         | 52.4<br>(CAT 1)    | 52.1               |
|   | Church Lake<br>S-28, T-27, R-17                               | 36.74                         | 35.64               | 35.64<br>(CAT 3)        | 34.64<br>(CAT 3)   | 33.54              |
|   | Crenshaw, Lake<br>S-22, T-27, R-18                            | 57.64                         | 55.5                | 54.45<br>(CAT 3)        | 53.45<br>(CAT 3)   | 53.4               |
|   | Crescent Lake<br>S-10, T-27S, R-17E                           | 43.4                          | 41.9                | 41.3<br>(CAT 3)         | 40.3<br>(CAT 3)    | 39.8               |



|   |                             |                             |  |  |                             |
|---|-----------------------------|-----------------------------|--|--|-----------------------------|
| Crystal Lake<br>S-14, T-27, R-18                            | 62.1                        | 59.8                        | 59.8<br>(CAT 2)                        | 58.8<br>(CAT 2)                        | 57.7                        |
| Cypress Lake<br>S-24, T-27, R-17                            | 50.86                       | 48.89                       | 48.89<br>(CAT 3)                       | 47.89<br>(CAT 3)                       | 46.79                       |
| Dan, Lake<br>S-6, T-27, R-17                                | 34.9                        | 32.5                        | 31.9<br>(CAT 3)                        | 30.9<br>(CAT 3)                        | 30.4                        |
| Deer Lake<br>S-1, T-27, R-18                                | 70.0                        | 66.5                        | 66.5<br>(CAT 2)                        | 65.5<br>(CAT 2)                        | 64.4                        |
| Dosson Lake<br>S-20, T-27, R-18<br>(Levels in feet<br>NGVD) | 55.1                        | 53.4                        | 53.4<br>(CAT 2)                        | 52.4<br>(CAT 2)                        | 51.3                        |
| Echo Lake<br>S-28, T-27, R-17                               | 36.74                       | 35.64                       | 35.64<br>(CAT 3)                       | 34.64<br>(CAT 3)                       | 33.54                       |
| Ellen, Lake<br>S-19, T-27, R-18                             | 54.96                       | 53.15                       | 53.15<br>(CAT 3)                       | 52.15<br>(CAT 3)                       | 51.05                       |
| Fairy (Maurine)<br>Lake<br>S-34, T-27, R-17                 | 34.51                       | 33.41                       | 33.41<br>(CAT 3)                       | 32.41<br>(CAT 3)                       | 31.31                       |
| Garden Lake<br>S-17, T-27, R-17                             | 33.9                        | 31.5                        | 30.5<br>(CAT 3)                        | 29.5<br>(CAT 3)                        | 29.4                        |
| Halfmoon Lake<br>S-31, T-27, R-18                           | 45.07                       | 43.3                        | 43.3<br>(CAT 2)                        | 42.3<br>(CAT 2)                        | 41.2                        |
| Helen, Lake<br>S-19, T-27, R-18                             | 54.96                       | 53.15                       | 53.15<br>(CAT 3)                       | 52.15<br>(CAT 3)                       | 51.05                       |
| Hobbs, Lake<br>S-1, T-27, R-18                              | 67.75                       | 65.46                       | 65.46<br>(CAT 2)                       | 64.46<br>(CAT 2)                       | 63.36                       |
| Horse Lake<br>S-26, T-27, R-17                              | <del>48.9</del><br>RESERVED | <del>46.9</del><br>RESERVED | <del>45.8</del><br>RESERVED<br>(CAT 3) | <del>44.8</del><br>RESERVED<br>(CAT 3) | <del>44.8</del><br>RESERVED |
| Jackson, Lake<br>S-17, T-27, R-17                           | 34.7                        | 33.0                        | 33.0<br>(CAT 2)                        | 32.0<br>(CAT 2)                        | 30.9                        |
| Juanita, Lake<br>S-22, T-27, R-17                           | 43.8                        | 41.7                        | 41.7<br>(CAT 2)                        | 40.7<br>(CAT 2)                        | 39.6                        |
| Little Moon Lake<br>S-28, T-27, R-17                        | 40.8                        | 39.1                        | 39.1<br>(CAT 2)                        | 38.1<br>(CAT 2)                        | 37.0                        |
| Merrywater, Lake<br>S-22, T-27, R-18                        | 58.0                        | 55.8                        | 55.8<br>(CAT 2)                        | 54.8<br>(CAT 2)                        | 53.7                        |
| Mound Lake<br>S-11, T-27, R-17                              | 51.8                        | 50.2                        | 50.7<br>(CAT 1)                        | 49.3<br>(CAT 1)                        | 48.3                        |
| Platt Lake<br>S-35, T-27, R-18                              | 52.0                        | 49.7                        | 49.5<br>(CAT 1)                        | 48.1<br>(CAT 1)                        | 45.5                        |
| Pretty Lake<br>S-26, T-27S, R-17E                           | <u>45.8</u>                 | <u>44.3</u>                 | <u>43.9</u><br>(CAT 1)                 | <u>42.5</u><br>(CAT 1)                 | <u>42.2</u>                 |
| Rainbow Lake<br>S-22, T-27, R-17                            | 40.8                        | 39.1                        | 39.1<br>(CAT 2)                        | 38.1<br>(CAT 2)                        | 37.0                        |
| Raleigh, Lake<br>S-27, T-27, R-17                           | RESERVED                    | RESERVED                    | RESERVED<br>(CAT 3)                    | RESERVED<br>(CAT 3)                    | RESERVED                    |
| Reinheimer, Lake<br>S-15, T27, R-18                         | 60.8                        | 58.6                        | 58.9<br>(CAT 1)                        | 57.5<br>(CAT 1)                        | 56.5                        |

|   |  |              |              |                                |                                |              |
|---|--|--------------|--------------|--------------------------------|--------------------------------|--------------|
|   | Rogers, Lake<br>S-27, T-27, R-17                             | RESERVED     | RESERVED     | RESERVED<br>(CAT 3)            | RESERVED<br>(CAT 3)            | RESERVED     |
|   | Round Lake<br>S-22, T-27, R-18                               | 56.49        | 55.6         | 54.5<br>(CAT 3)                | 53.5<br>(CAT 3)                | 53.5         |
|   | Saddleback Lake<br>S-22, T-27, R-18                          | 56.11        | 54.58        | 54.58<br>(CAT 2)               | 53.58<br>(CAT 2)               | 52.48        |
|   | Sapphire Lake<br>S-14, T-27, R-18                            | 64.1         | 63.4         | 63.0<br>(CAT 1)                | 61.6<br>(CAT 1)                | 61.3         |
|   | Starvation Lake<br>S-21, T-27, R-18                          | RESERVED     | RESERVED     | RESERVED<br>(CAT 3)            | RESERVED<br>(CAT 3)            | RESERVED     |
|   | Strawberry (North<br>Crystal) Lake<br>S-14, T-27, R-18       | 62.0         | 60.1         | 60.1<br>(CAT 3)                | 59.1<br>(CAT 3)                | 58.0         |
|   | Sunset Lake<br>S-17, T-27, R-17                              | 35.0         | 34.8         | 34.4<br>(CAT 1)                | 33.0<br>(CAT 1)                | 32.7         |
|   | Sunshine Lake<br>S-20, T-27, R-18                            | 55.1         | 53.4         | 53.4<br>(CAT 2)                | 52.4<br>(CAT 2)                | 51.3         |
|   | <u>Taylor, Lake</u><br><u>S-16, T-27S, R-17E</u>             | <u>40.1</u>  | <u>38.2</u>  | <u>38.2</u><br><u>(CAT 2)</u>  | <u>37.2</u><br><u>(CAT 2)</u>  | <u>36.1</u>  |
| (m) through (r) No change.  |  |              |              |                                |                                |              |
| (s) In Pasco County<br>Within the<br>Hillsborough<br>County Basin | Bell Lake<br>S-13, T-26, R-18                                | 73.3         | 71.6         | 70.8<br>(CAT 1)                | 69.4<br>(CAT 1)                | 69.2         |
|   | Bird Lake<br>S-36, T-26, R-18                                | 68.2         | 66.8         | 66.6<br>(CAT 1)                | 65.2<br>(CAT 1)                | 64.3         |
|   | <u>Buddy Lake</u><br><u>S-17, T-25S,</u><br><u>R-21E</u>     | <u>96.9</u>  | <u>93.7</u>  | <u>93.7</u><br><u>(CAT 3)</u>  | <u>87.3</u><br><u>(CAT 3)</u>  | <u>83.9</u>  |
|   | <u>Hancock Lake</u><br><u>S-5, T-24S,</u><br><u>R-20E</u>    | <u>106.9</u> | <u>102.5</u> | <u>102.5</u><br><u>(CAT 3)</u> | <u>100.2</u><br><u>(CAT 3)</u> | <u>97.7</u>  |
|   | <u>Middle Lake</u><br><u>S-4, T-24S,</u><br><u>R-20E</u>     | <u>106.9</u> | <u>103.1</u> | <u>102.5</u><br><u>(CAT 3)</u> | <u>100.2</u><br><u>(CAT 3)</u> | <u>99.2</u>  |
|   | Padgett, Lake<br>S-24, T-26, R-18                            | 71.5         | 70.5         | 70.5<br>(CAT 1)                | 69.5<br>(CAT 1)                | 68.4         |
|   | <u>Pasadena, Lake</u><br><u>S-16, T-25S,</u><br><u>R-21E</u> | <u>96.9</u>  | <u>93.7</u>  | <u>93.7</u><br><u>(CAT 3)</u>  | <u>87.3</u><br><u>(CAT 3)</u>  | <u>83.9</u>  |
| (t) No change.  |  |              |              |                                |                                |              |
| (u) In Pasco County<br>Within the<br>Withlacoochee<br>River Basin |  |              |              |                                |                                |              |
|   | <u>Clear Lake</u><br><u>S-1, T-25S,</u><br><u>R-20E</u>      | <u>128.5</u> | <u>127.0</u> | <u>127.0</u><br><u>(CAT 3)</u> | <u>125.7</u><br><u>(CAT 3)</u> | <u>123.7</u> |
| (v) through (cc) No change.                                       |  |              |              |                                |                                |              |

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

| Table 8-3 Guidance Water Levels adopted prior to August 7, 2000                             |   |   |  |  |
|---|---|---|--|--|
| Location of Impoundment by County and Basin   | Ten (10) Year Flood Guidance Level in Feet Above Mean Sea Level (msl) | High Level in Feet Above Mean Sea Level (msl) | Low Level in Feet Above Mean Sea Level (msl) | Extreme Low Level in Feet Above Mean Sea Level (msl) |
| (a) through (g) No change.  |   |   |  |  |
| (h) In Hernando County Within the Withlacoochee River Basin<br>LAKES                        |   |   |  |  |
| Elizabeth, Lake<br>S11 T23S R21E  | 62.90'  | 60.25'  | 57.00'                                       | 55.50'   |
| Francis, Lake<br>11 23S 21E   | 62.90'  | 60.25'  | 57.00'                                       | 55.50'   |
| Geneva, Lake<br>11 23S 21E  | 62.90'  | 60.25'  | 57.00'                                       | 55.50'   |
| Lindsey, Lake<br>25 23S 19E   | 70.60'  | 69.00'  | 66.00'                                       | 64.50'   |
| Mountain Lake<br>16 23S 20E   | 105.10'   | 104.00'                                       | 101.00'                                      | 99.00'   |
| Neff Lake<br>20 23S 20E   | 104.40'   | 103.00'                                       | 100.00'                                      | 98.00'   |
| Sparkman Lake<br>24 23S 19E   | 94.40'  | 91.50'  | 89.00'                                       | 88.00'   |
| Spring Lake<br>S15 T23S R20E  | 185.02'   | 184.25'                                       | 181.25'                                      | 178.25'  |
| (i) through (k) No change.  |   |   |  |  |
| (l) In Hillsborough County Within the Northwest Hillsborough Basin<br>LAKES<br>Sec Twsp Rng |   |   |  |  |
| ROCKY CREEK WATERSHED   |   |   |  |  |
| Allen, Lake   | 62.60'  | 62.50'  | 59.75'                                       | 57.50'   |
| Armistead, Lake   | 46.50'  | 44.00'  | 40.50'                                       | 39.00'   |
| Browns Lake   | 63.70'  | 63.50'  | 60.75'                                       | 59.00'   |
| Harvey, Lake  | 62.90'  | 62.50'  | 60.25'                                       | 58.00'   |
| Josephine, Lake   | 47.50'  | 46.00'  | 42.75'                                       | 40.00'   |
| LeClare, Lake   | 53.50'  | 52.00'  | 49.50'                                       | 47.00'   |
| Pretty Lake   | 46.70'  | 45.50'  | 42.75'                                       | 40.00'   |
| Rock Lake   | 48.00'  | 46.00'  | 42.75'                                       | 40.00'   |
| Starvation Lake   | 55.00'  | 53.00'  | 50.00'                                       | 48.00'   |
| Turkey Ford Lake  | 55.00'  | 54.00'  | 51.50'                                       | 50.00'   |
| Virginia Lake   | 63.00'  | 62.50'  | 60.25'                                       | 58.00'   |

| BROOKER CREEK WATERSHED   |                       |                    |                    |                    |
|---|-----------------------|--------------------|--------------------|--------------------|
| Artillery, Lake<br>3 27S 17E  | 44.50'                | 44.00'             | 40.50'             | 39.00'             |
| Buck Lake   | 35.50'                | 35.00'             | 32.00'             | 29.50'             |
| <del>Crescent Lake</del>  | <del>44.20'</del>     | <del>42.50'</del>  | <del>40.00'</del>  | <del>38.50'</del>  |
| Elizabeth Lake  | 54.00'                | 53.00'             | 51.00'             | 49.00'             |
| Fern, Lake  | 48.00'                | 46.00'             | 43.00'             | 41.50'             |
| Frances, Lake   | 42.50'                | 40.50'             | 38.00'             | 36.00'             |
| <del>Horse Lake</del>   | <del>48.40'</del>     | <del>46.50'</del>  | <del>44.00'</del>  | <del>42.00'</del>  |
| Island Ford Lake  | 42.30'                | 41.50'             | 39.00'             | 37.00'             |
| James Lake<br>23 27S 17E  | 47.70'                | 46.50'             | 43.50'             | 42.00'             |
| Keystone Lake   | 43.20'                | 42.00'             | 39.75'             | 39.00'             |
| Little Lake<br>23 27S 17E   | 47.70'                | 46.50'             | 43.50'             | 42.00'             |
| Raleigh, Lake   | 43.30'                | 42.50'             | 38.00'             | 35.00'             |
| Rogers, Lake  | NO LEVELS RECOMMENDED |                    |                    |                    |
| <del>Taylor, Lake</del>   | <del>39.70'</del>     | <del>39.25'</del>  | <del>36.75'</del>  | <del>34.75'</del>  |
| Velburton Lake  | 41.50'                | 40.00'             | 37.25'             | 35.00'             |
| (m) through (r) No change.  |                       |                    |                    |                    |
| (s) In Pasco County<br>Within the<br>Hillsborough River<br>Basin<br>LAKES |                       |                    |                    |                    |
| Catfish Lake<br>S30 T25 R19   | 68.72'                | 68.00'             | 65.50'             | 63.50'             |
| Cow (East) Lake<br>S19 T26S R19E  | 78.63'                | 78.50'             | 76.00'             | 75.00'             |
| Floyd, Lake<br>S36 T26 R19  | 68.41'                | 68.50'             | 66.00'             | 64.00'             |
| Gooseneck, Lake<br>S29 T26 R19  | 75.10'                | 73.50'             | 71.00'             | 69.00'             |
| <del>Hancock, Lake</del><br><del>S5 T24S R20E</del>                       | <del>107.48'</del>    | <del>106.50'</del> | <del>104.00'</del> | <del>102.00'</del> |
| Hog (Joyce) Lake<br>S19 T26S R19E   | 76.66'                | 76.50'             | 73.50'             | 72.50'             |
| Iola, Lake<br>S15 T24S R20E   | 147.55'               | 147.50'            | 145.00'            | 142.50'            |
| Jessamine, Lake<br>S11 T24S R20E  | 144.18'               | 142.00'            | 138.00'            | 136.00'            |
| JoAnn, Lake<br>S30 T26 R19  | 68.72'                | 68.00'             | 65.50'             | 63.50'             |
| King Lake<br>S7 T26S R19E   | 73.58'                | 73.50'             | 71.50'             | 69.50'             |
| King Lake (East)<br>S22 T25S R20E   | 105.49'               | 105.25'            | 102.50'            | 100.00'            |
| <del>Middle Lake</del><br><del>S4 T24S R20E</del>                         | <del>107.48'</del>    | <del>107.00'</del> | <del>105.00'</del> | <del>103.00'</del> |
| Moody Lake<br>S10 T24S R20E   | 110.48'               | 110.00'            | 107.50'            | 105.50'            |

|  |         |         |         |         |
|--|---------|---------|---------|---------|
| Myrtle, Lake<br>S30 T26 R19  | 68.72'  | 68.00'  | 65.50'  | 63.50'  |
| Saxon Lake<br>S30 T26S R19E  | 71.34'  | 71.25'  | 69.00'  | 67.50'  |
| Tampa (Turtle) Lake<br>S32 T26 R19   | 66.00'  | 65.50'  | 63.00'  | 61.00'  |
| Toni, Lake<br>S30 T26 R19  | 68.72'  | 68.00'  | 65.50'  | 63.50'  |
| Twin, Lake<br>S28 T26 R19  | 68.35'  | 67.50'  | 65.00'  | 63.00'  |
| Unnamed Lake #26<br>S25 T26 R18  | 68.75'  | 68.00'  | 65.50'  | 63.50'  |
| (t) No change.   |         |         |         |         |
| (u) In Pasco County<br>Within the<br>Withlacoochee River<br>Basin<br>LAKES |         |         |         |         |
| Buddy Lake<br>S17 T25S R21E  | 97.02'  | 94.50'  | 91.50'  | 90.00'  |
| Pasadena, Lake<br>S16 T25S R21E  | 97.02'  | 94.50'  | 91.50'  | 90.00'  |
| Clear Lake<br>S1 T25S R20E   | 127.90' | 127.50' | 125.25' | 123.75' |
| (v) through (cc) No change.  |         |         |         |         |

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-10-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

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

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

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Overtime Compensation  
RULE NO.: 53-13.008

PURPOSE AND EFFECT: The Department proposes to revise the time period for excluded positions to accrue compensatory leave and redefine overtime for included and excluded positions.

SUMMARY: This amendment establishes the criteria of overtime pay during the monthly pay period and sets forth the approval of overtime hours for included and excluded positions.

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: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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: Faith L. Schneider, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

53-13.008 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 work cycle which are performed at the request of 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 without pay, forty (40) in a workweek or work cycle 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 53-16.004(4)(3), F.A.C., Overtime/Compensation for Excess Hours of Work.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History—New 2-25-93, Amended 7-4-93, Superseded by 53ER05-35, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Department of the Lottery  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 18, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Overtime/Compensation for Excess Hours of Work  
RULE NO.: 53-16.004

PURPOSE AND EFFECT: The Department proposes to revise the time period for excluded positions to accrue compensatory leave and redefine overtime for included and excluded positions.

SUMMARY: This amendment establishes the criteria of overtime pay during the monthly pay period and sets forth the approval of overtime hours for included and excluded positions.

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: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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: Faith L. Schneider, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 53-16.004 follows. See Florida Administrative Code for present text.)

53-16.004 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.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History–New 2-25-93, Amended 7-4-93, 9-16-93, Superseded by 53ER05-36, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Department of the Lottery

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 23, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 18, 2005

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Provider Enrollment  
RULE NO.: 59G-5.010

PURPOSE AND EFFECT: The purpose of this amendment is to revise Rule 59G-5.010, F.A.C., Provider Enrollment, subsection (1). The Florida Medicaid Enrollment Application for participating in the Medicaid Program is incorporated by reference.

SUMMARY: The proposed amendment to Rule 59G-5.010, F.A.C., Provider Enrollment, incorporates by reference the provider application for Medicaid enrollment. Specific rule authority is contained in Sections 409.907(7) and 409.907(8), F.S.

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: 409.919, 409.907(7), 409.907(8) FS.

LAW IMPLEMENTED: 409.919, 409.907(7), 409.907(8) 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. – 11:00 a.m., April 25, 2005  
PLACE: 2727 Mahan Drive, Bldg 3, Conf Rm C, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shawn McCauley, Medicaid Contract Management, 2308 Killlearn Center Blvd., Suite 200, Tallahassee, Florida 32309, (850)922-7344

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.010 Provider Enrollment.

(1) Unless otherwise specified in Chapter 59G-4, F.A.C., all providers and billing agents are required to enroll in the Medicaid program and submit a completed Florida Medicaid Provider Enrollment Application, AHCA Form 2200-0003 (December ~~2004~~ ~~2002~~). AHCA Form 2200-0003 is available from the fiscal agent and incorporated in this rule by reference. AHCA Form 2200-0003 is the application to be completed by applicants.

(2) through (6) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.907, 409.908 FS. History–New 9-22-93, Formerly 10P-5.010, Amended 7-8-97, 9-8-98, 7-5-99, 7-10-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Shawn McCauley

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 16, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Certification of Registered Contractors  
RULE NO.: 61G4-15.030

PURPOSE AND EFFECT: The proposed rule repeal is intended to remove the “grandfathering” provision for certification of registered contractors.

SUMMARY: The rule is being repealed.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 489.108, 489.118 FS.

LAW IMPLEMENTED: 489.118 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, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.030 Certification of Registered Contractors.

THIS RULE REPEAL SHALL TAKE EFFECT ON JULY 1, 2005.

Specific Authority 489.108, 489.118 FS. Law Implemented 489.118 FS. History—New 2-23-00, Repealed 7-1-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Continuing Education Requirements for Certificateholders and Registrants

RULE NO.: 61G4-18.001

PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify the requirements for continuing education.

SUMMARY: The proposed rule amendments set forth the required subject matter for purposes of continuing education.

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

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

SPECIFIC AUTHORITY: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 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, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants.

(1) Each person who is certified or registered by the ~~Board board~~ must, as a condition of each renewal of the certificate or registration, obtain at least 14 classroom or interactive distance learning hours of continuing education in one or more courses from a continuing education provider approved by the ~~Board board~~. Of the required 14 hours of continuing education, up to four (4) hours of credit may be earned by attending a meeting of the Board wherein disciplinary cases are considered. At least seven (7) days advance notice of the intent to attend the disciplinary case session must be given to the Board, and the licensee must check in with Board staff prior to the beginning of the disciplinary proceedings. The licensee must sign in and out at breaks and at lunchtime. After the conclusion of the meeting, Board staff will issue a certificate of attendance to the licensee. The licensee must submit documentation of such participation to the Department within five (5) days of the date of issuance of the certificate of attendance. A maximum of four (4) hours will be allowed during a renewal cycle. Credit hours shall be awarded on an hour for hour basis up to a maximum of four hours. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action. ~~All registered contractors and all certified contractors are required to complete zero hours of specialized or advanced module courses approved by the Florida Building Commission, at least one hour of a workplace safety class, one hour of a business practices class and one hour of a workers' compensation class as a part of the 14 hours of required continuing education for license renewal. That portion of this rule relating to business practices shall be effective September 1, 1999.~~

(2) All registered contractors and certified contractors are required to complete 14 hours of continuing education each renewal cycle. Of the 14 hours, one hour shall be required in each of the following topics: specialized or advanced module course approved by the Florida Building Commission, or the Board, workplace safety; business practices; workers'



compensation. The remaining 10 hours may include any of the aforementioned subject matter or general topics as defined hereinafter.

(3) The content of Board approved courses must be business, trade, workers' compensation or safety topics relevant to the construction industry. For purposes of this rule:

(a) Business practice topics include bookkeeping and accounting practices; managing cash flow; estimating and bidding jobs; negotiating and interpreting contracts and agreements; processing change orders; controlling purchasing; scheduling; controlling expenses; insurance and bonding related to construction; complying with payroll and sales tax laws; interpreting financial statements and reports related to construction; complying with Florida laws and rules related to construction.

(b) Trade related courses may be used to satisfy the "general" requirements. These courses may include topics considered as contract administration and project management activities, including management and operation of the day-to-day activities of a construction contracting firm and advanced knowledge of the trade in which the contractor is licensed. Examples include, but are not limited to: preconstruction activities, including design and structural loading; project contracts; permits; plan and specification approvals; construction procedures and operations; methods, materials, tools and equipment as codified in the CSI 16 Division Format or ASTM; maintenance and service; reading plans and specifications; code updates pursuant to Section 553, F.S., and related Statutes.

(c) Safety courses include courses related to job site safety in the following topics: OSHA safety; workplace safety programs; safety manuals; procedure of testing and use of tools and equipment.

(d) Workers' compensation courses include: Compliance with Section 440, F.S.; drug free workplace; calculating and assigning workers' compensation costs; premium modification and adjustments.

(4)(2) A person who holds more than one certificate or registration issued by the Board ~~board~~ is required to complete the continuing education requirements only once during each biennial certification renewal period and only once during each biennial registration period, providing all applicable license numbers to the course provider at the time of registration to ensure proper reporting of CE hours. Workers' compensation, work place safety and business practice courses approved for the continuing education requirements for persons certified under Chapter 489, Part II, F.S., shall be accepted for continuing education for renewal under this rule.

(3) through (8) renumbered (5) through (10) No change.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS. History—New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, 5-11-99, 7-12-99, 1-23-00, 2-1-00, 12-27-00, 3-25-01, 7-26-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 11, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE TITLES: RULE NOS.:

|  |              |
|--|--------------|
| Continuing Education Credit for Biennial Renewal | 61G17-5.0031 |
| Obligation of Continuing Education Providers     | 61G17-5.0043 |
| Approval of Classes                              | 61G17-5.0051 |

PURPOSE AND EFFECT: Rule 61G17-5.0031, F.A.C., indicates when a licensee may claim continuing education credit. Rule 61G17-5.0043, F.A.C., clarifies the obligations of continuing education providers regarding advertising and attendance at Board rules workshops. Rule 61G17-5.0051, F.A.C., revises the requirements that a course provider must satisfy to have a continuing education course approved.

SUMMARY: Rule 61G17-5.0031, F.A.C., indicates when a licensee may claim continuing education credit. Rule 61G17-5.0043, F.A.C., updates the obligations of continuing education providers to better meet the needs of licensed surveyors and mappers. Rule 61G17-5.0051, F.A.C., establishes new requirements that continuing education providers must satisfy to have continuing education courses approved by the Board.

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

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

SPECIFIC AUTHORITY: 455.2124(2), 472.008, 472.018, 455.219, 472.011 FS.

LAW IMPLEMENTED: 455.2124(2), 455.2123, 455.2179, 472.018 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: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULE IS:

61G17-5.0031 Continuing Education Credit for Biennial Renewal.

- (1) No change.
- (2) No licensee may claim credit until after the credit has been earned by that licensee. ~~Likewise, no credit earned after a biennium renewal date may be used to satisfy an earlier biennial requirement.~~
- (3) through (4) No change.

Specific Authority 455.2124(2), 472.008, 472.018 FS. Law Implemented 455.2124(2), 455.2179, 472.018 FS. History—New 3-28-94, Amended 5-30-95, 9-21-98, 7-27-00, 6-22-03, \_\_\_\_\_.

61G17-5.0043 Obligations of Continuing Education Providers.

- (1) No change.
- (2) Furnish each participant with an individual certificate of attendance that complies with paragraph 61-6.015(4)(a), F.A.C. Continuing education providers must provide their Florida Department of Business and Professional Regulation (DBPR) continuing education provider number on all course advertisements and on all course completion certificates issued to individuals completing a continuing education course. Additionally, continuing education providers must identify in advertisements and on certificates of completion whether the offered continuing education course has been approved for general continuing education credit, laws and rules continuing education credit, minimum technical standards (MTS) continuing education credit, or a combination of MTS and laws and rules continuing education credit.

(a) An attendance record shall be maintained by the provider for four (4) years and shall be available for inspection by the Board, its designee, the Department, or the Department’s designee.

(b) Providers must electronically provide to the Department a list of attendees taking a course within thirty (30) ~~five(5)~~ business days of the completion of the course. The list shall include the provider’s name, the name and license number of the attendee, the date the course was completed, the course number and the total number of hours successfully completed.

(c) If the instructor is receiving credit as set forth in paragraph 61G17-5.0031(3)(c), F.A.C., the instructor shall be listed as an attendee with the same information required above.

(d) Providers shall maintain security of attendance records and certificates. For correspondence study courses, the provider must electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual.

- (3) through (13) No change.

(14) All approved continuing education providers must attend at least one (1) of the Board’s rule development workshops during a licensure biennium. If an approved continuing education provider is offering minimum technical standards (MTS) courses, then MTS continuing education providers must also attend at least one (1) of the Board’s MTS workshops during a licensure biennium.

Specific Authority 455.219, 472.008, 472.011, 472.018 FS. Law Implemented 455.2123, 472.018 FS. History—New 3-28-94, Amended 5-30-95, 7-27-00, 8-18-03, 8-18-04, \_\_\_\_\_.

61G17-5.0051 Approval of Classes.

- (1) No change.
  - (a) No change.
  - (b) The course provider shall submit to the Board the following: an application, a course outline which describes the course’s content and subject matter, and a written statement that explains in detail how the course relates to the practice of surveying and mapping. If a proposed laws and rules continuing education course does not specifically cover Chapter 472 of the Florida Statutes, Chapter 177 of the Florida Statutes, or Chapter 61G17 of the Florida Administrative Code, then the continuing education provider must provide the Board with a detailed written explanation as to how the proposed laws and rules continuing education course rationally relates to the practice of surveying and mapping. A detailed course outline is submitted to the Board, along with the application, which describes the course’s content and subject matter.
  - (c) through (e) No change.
- (2) through (4) No change.

Specific Authority 472.008, 472.018 FS. Law Implemented 472.018 FS. History—New 8-18-03, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**  
**Board of Professional Surveyors and Mappers**  
 RULE TITLES: Probation Surrender of Seal and Cancellation of Digital Signature  
 RULE NOS.: 61G17-9.006 61G17-9.0065

PURPOSE AND EFFECT: Implements Section 472.025, F.S., and also clarifies the procedures for reinstating a probationer's license if the probationer's license becomes suspended as a result of discipline.

SUMMARY: Rule 61G17-9.006, F.A.C. describes the process for reinstating a suspended license. Rule 61G17-9.0065, F.A.C. implements Section 472.025, F.S., by establishing a process for the surrender of a surveyor and mapper's seal and cancellation of the surveyor and mapper's digital signature.

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

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

SPECIFIC AUTHORITY: 455.2124(2), 472.008, 472.018, 472.025 FS.

LAW IMPLEMENTED: 455.2124(2), 455.2179, 472.018, 472.025 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: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-9.006 Probation.

(1) through (2) No change.

(3) Should a probationer's license become suspended, the suspended probationer shall file a written petition for reinstatement of licensure with the board. The suspended probationer's written petition for reinstatement shall include the suspended probationer's grounds for reinstatement and also must demonstrate the suspended probationer's compliance with the board's final order, which resulted in the suspension of the probationer's license.

Specific Authority 455.2124(2), 472.008, 472.018 FS. Law Implemented 455.2124(2), 455.2179, 472.018 FS. History--New 12-25-95, Amended

61G17-9.0065 Surrender of Seal and Cancellation of Digital Signature.

(1) When a licensed surveyor and mapper's license has been revoked or suspended by the board, the licensee must surrender his or her seal to the secretary of the board and provide a sworn, written affidavit to the secretary of the board confirming that the licensee's digital signature has been

cancelled within thirty (30) days of the suspension or revocation of the licensee's license. The revoked or suspended licensee must send his or her seal and a sworn, written affidavit confirming the cancellation of his or her digital signature to the secretary of the board at 1940 North Monroe Street, Tallahassee, Florida 32399. In the event the surveyor and mapper's license has been suspended for a limited period of time, then the licensee's seal shall be returned to him or her upon the expiration of the suspension period and the licensee may also obtain another digital signature upon expiration of the suspension period.

Specific Authority 472.025 FS. Law Implemented 472.025 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Where to Apply RULE NO.: 61J1-3.002

PURPOSE AND EFFECT: Repeal Rule 61J1-3.002, F.A.C.

SUMMARY: Repealing a redundant and outdated rule.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.615 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-3.002 Where to Apply.

Specific Authority 475.614 FS. Law Implemented 475.615 FS. History--New 10-15-91, Formerly 21VV-3.002, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2004

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

|   |              |
|---|--------------|
| RULE TITLES:  | RULE NOS.:   |
| All Permits – Storage of Legend Drugs; Prepackaging                                     | 64B16-28.120 |
| Record Maintenance Systems for Institutional and Animal Shelter Permits                 | 64B16-28.150 |
| Destruction of Controlled Substances – Class I Institutional Pharmacies – Nursing Homes | 64B16-28.301 |
| Destruction of Controlled Substances – All Permittees (excluding Nursing Homes)         | 64B16-28.303 |

PURPOSE AND EFFECT: The purpose of Rule 64B16-28.120, F.A.C., is to clarify the requirements for permits and storage of legend drugs or drug preparations as defined by Section 465.003(8), F.S., within Community Pharmacies. The Board has voted to delete Rule 64B16-28.150, F.A.C., in an effort to group like rules together, a record maintenance rule has been created under Chapter 64B16-29, F.A.C. Rule 64B16-28.301, F.A.C., is being repealed because it has been incorporated into other rules with similar text. Rule 64B16-28.303, F.A.C., is being repealed as it has been incorporated into other rules with similar text.

SUMMARY: Rule 64B16-28.120, F.A.C., is being amended to clarify the standards for permits and storage of medicinal drugs or drug preparations pursuant to current statutes. The Board voted to repeal Rule 64B16-28.150, F.A.C., in an effort to group like rules together, a record maintenance rule has been created under chapter 29, Rule 64B16-28.301, F.A.C., is being repealed because it has been incorporated into other rules with similar text, Rule 64B16-28.303, F.A.C., is being repealed as it has been incorporated into other rules with similar text.

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

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

SPECIFIC AUTHORITY: 465.005, 465.022, 465.0155, 828.055 FS.

LAW IMPLEMENTED: 465.019, 465.0196, 465.022, 465.026, 893.07.055 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-28.120 All Permits – Storage Location of Legend Drugs; Prepackaging.

(1) All medicinal drugs or drug preparations as defined by Section 465.003(8), F.S. shall be stored:

~~(a)(1) All medicinal drugs or drug preparations as defined by Section 465.003(7), F.S., within a community pharmacy shall be stored Wwithin the confines of the prescription department of a community pharmacy permittee as defined in Section 465.018, F.S.~~

~~(2) All medicinal drugs or drug preparations as defined in Section 465.003(7), F.S., within Class I Institutional permittees as defined by Section 465.019(2)(a), F.S., shall have been dispensed pursuant to a prescription as defined in Section 465.003(13), F.S. All medicinal drugs or drug preparations as defined in Section 465.003(7), F.S., shall be prohibited within the confines of Class I Institutional pharmacies unless obtained upon a proper prescription and properly labeled in accordance with Chapter 499, F.S., and the rules and regulations contained in Chapter 59A-4, F.A.C., pertaining to the licensure of nursing homes and related facilities.~~

~~(b)(3) All medicinal drugs as defined by Section 465.003(7), F.S., in a Class II institutional pharmacy as defined by Section 465.019(2)(b), F.S., shall be stored within the confines of the pharmacy provided, however, that those medicinal drugs established by the consultant pharmacist as supportive to treatment procedures such as medical drugs, surgical, obstetrical, diagnostic, etc., may be permitted to be stored in those areas where such treatment is conducted consistent with proper control procedures as provided by the policy and procedure manual of the pharmacy.~~

(2) All medicinal drugs or drug preparations as defined in Section 465.003(8), F.S., within Class I Institutional permittees as defined by Section 465.019(2)(a), F.S., shall:

(a) have been dispensed pursuant to a prescription as defined in Section 465.003(14), F.S.; and

(b) Be prohibited within the confines of Class I Institutional pharmacies unless obtained upon a proper prescription and properly labeled in accordance with Chapter 499, F.S., and the rules and regulations contained in Chapter 59A-4, F.A.C., pertaining to the licensure of nursing homes and related facilities.

(3)(4) No change.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022 FS. History—New 9-18-84, Formerly 21S-1.44, 21S-1.044, Amended 7-31-91, Formerly 21S-28.120, 61F10-28.120, 59X-28.120, Amended \_\_\_\_\_.

64B16-28.150 Record Maintenance Systems for Institutional and Animal Shelter Permits.

Specific Authority 465.005, 465.0155, 465.022, 828.055 FS. Law Implemented 465.019, 465.022, 465.026, 893.07 FS. History—New 4-12-95, Formerly 59X-28.150, Repealed \_\_\_\_\_.

64B16-28.301 Destruction of Controlled Substances – Class I Institutional Pharmacies – Nursing Home.

Specific Authority 465.002, 465.005 FS. Law Implemented 465.018, 465.022 FS. History—New 4-21-87, Formerly 21S-19.001, Amended 7-31-91, Formerly 21S-28.301, 61F10-28.301, Amended 1-30-96, Formerly 59X-28.301, Repealed \_\_\_\_\_.

64B16-28.303 Destruction of Controlled Substances – All Permittees (excluding Nursing Homes).

Specific Authority 465.002, 465.005 FS. Law Implemented 465.018, 465.022 FS. History—New 4-21-87, Formerly 21S-19.003, Amended 7-31-91, Formerly 21S-28.303, 61F10-28.303, Amended 1-30-96, Formerly 59X-28.303, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: RULE NOS.:

Special Pharmacy – Limited Community Permit 64B16-28.810

Special Pharmacy – ESRD 64B16-28.850

Special Pharmacy – Parenteral/Enteral Extended Scope Permit 64B16-28.860

PURPOSE AND EFFECT: Rule 64B16-28.810, F.A.C., sets forth issuance and use of the Special – Limited Community Permit. Rule 64B16-28.850, F.A.C., sets forth the provisions for an ESRD Pharmacy’s limited practice to the provision of

dialysis products and supplies. Rule 64B16-28.860, F.A.C., sets forth the general requirements and permits for Special Pharmacies Parenteral/Enteral Extended Scope.

SUMMARY: The amendment to Rule 64B16-28.210, F.A.C., is to clarify the issuance and use of a Special Pharmacy – Limited Community Permit. The amendment to Rule 64B16-28.850, F.A.C., is to clarify the provisions set for the limited practice of the ESRD Pharmacy to the provision of dialysis products and supplies. The amendment to Rule 64B16-28.860, F.A.C., clarifies the general requirements for permits for Special Pharmacy and the Parenteral/Enteral Extended Scope.

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

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

SPECIFIC AUTHORITY: 465.005, 465.002 FS.

LAW IMPLEMENTED: 465.0196 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B16-28.810 Special Pharmacy – Limited Community Permit.

A ~~The~~ Special-Limited Community Permit shall be obtained by issued by the Board of Pharmacy Office whenever a Class II Institutional Pharmacy that dispenses medicinal drugs, including controlled substances to Permittee:

(1) ~~Dispenses medicinal drugs, including controlled substances, to~~ Employees, medical staff and their dependents for their personal use,

(2) ~~Dispenses medicinal drugs, including controlled substances to~~ Ppatients of the hospital who are under a continuation of a course of therapy not to exceed a three (3) day supply,

(3) ~~Dispenses medicinal drugs, including controlled substances to~~ Ppatients obtaining medical services in the facility’s facilities emergency room and, whenever it is otherwise appropriate, as indicated in the applicant’s policy and procedure manual.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.0196 FS. History—New 7-31-91, Formerly 21S-28.810, 61F10-28.810, 59X-28.810, Amended \_\_\_\_\_.

64B16-28.850 Special Pharmacy – ESRD.

- (1) through (3)(i) No change.
- (j) Potassium ~~OH~~ 20 MEQ/10ML (dialysate use only).
- (k) Sterile water ~~Weber~~ for Irrigation.
- (4) through (16) No change.

(17) A copy of the ESRD pharmacy’s Policy and Procedure Manual as provided above shall accompany the permit application, shall be kept within the ESRD Pharmacy, and shall be available for inspection by the Department of Health Business and Professional Regulation. Changes in the Policy and Procedure Manual shall be approved by the Consulting Pharmacist.

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0196, 465.022 FS. History–New 10-2-94, Formerly 59X-28.850, Amended 9-20-99, \_\_\_\_\_.

64B16-28.860 Special Pharmacy – Parenteral/Enteral Extended Scope Permit.

(1)(a) A Special Parenteral/Enteral Extended Scope permit, ~~is hereby created~~ as authorized by Section 465.0196, F.S., is required for this permit ~~authorizes qualified pharmacies to compound patient specific enteral/parenteral preparations medicinal drugs in conjunction with institutional pharmacy permits, provided requirements set forth herein are satisfied. Special Parenteral/Enteral Extended Scope Pharmacies are those pharmacies which provide compounded parenteral/enteral preparations in conjunction with institutional pharmacy permits. Prior to engaging in a parenteral/enteral compounding pharmacy practice as described in this section, an entity shall obtain a Special Parenteral/Enteral Extended Scope pharmacy permit.~~

- (b) through (c) No change.
- (d) ~~Prior to engaging in a parenteral/enteral compounding pharmacy practice as described in this section, an entity shall obtain a Special Parenteral/Enteral Extended Scope pharmacy permit as provided herein.~~

(2) Facilities obtaining this permit may also provide services described in paragraph 64B16-28.820(1)(a), F.A.C., without obtaining an additional permit. Pharmacy services and parenteral/enteral products provided by a Special Parenteral/Enteral Extended Scope pharmacy shall be limited to the compounding and/or dispensing of sterile:

- (a) ~~Sterile P~~reparations for parental therapy, parenteral nutrition, and/or
- (b) ~~Sterile P~~reparations for enteral feeding and sterile irrigation solutions, and/or
- (c) ~~Sterile P~~reparations of cytotoxic or antineoplastic agents.
- (3)(4) ~~Facilities~~ Those operating under this permit may provide all necessary supplies and delivery systems so that the medicinal drugs listed herein may be properly administered.

(4)(3) Pharmacy Environment. The compounding and dispensing of sterile parenteral/enteral prescription preparations within a Special Parenteral/Enteral Extended Scope pharmacy shall be accomplished in a pharmacy environment subject to the pharmacy permit laws contained in Chapter 465, F.S., and in accordance with those requirements for the safe handling of drugs. ~~Holder~~ of a Special Parenteral/Enteral Extended Scope permittee ~~permit~~ shall comply with the requirements contained in subsections 64B16-28.820(3)(2) through (4)(5), F.A.C., and the following:

(a) ~~A Special Parenteral/Enteral Extended Scope pharmacy~~ Sshall include an active and ongoing end product testing program to ensure stability, sterility, and quantitative integrity of finished prescriptions.

(b) ~~Each compounding process~~ Sshall insure each compounding process undergoes ~~undergo~~ an initial and thereafter annual ~~process~~ sterility validation utilizing media fill to ensure the integrity and validity of the compounding process.

(5)(4) No change.

Specific Authority 465.005 FS. Law Implemented 465.0196, 465.022 FS. History–New 9-4-96, Formerly 59X-28.860, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

**DEPARTMENT OF HEALTH  
 Board of Speech-Language Pathology and Audiology**

RULE TITLE: Continuing Education as a Condition  
 RULE NO.: 64B20-6.001

PURPOSE AND EFFECT: The rule would clarify that licensees who are dually licensed in speech-language pathology and in audiology only need to complete two (2) hours of continuing education per-biennium in medical errors continuing education. The rule would add a requirement for Board pre-approval for all graduate level university course work for which continuing education credit is earned for biennial renewal of licensure.

SUMMARY: The rule clarifies that only two hours of medical errors CE is needed per biennium for dually licensed persons. The rule requires pre-approval of university course work taken for CE credit.

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

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

SPECIFIC AUTHORITY: 456.013(7), 468.1135(4)(a), 468.1195(1),(3), 468.1205(1) FS.

LAW IMPLEMENTED: 456.013(7), 468.1195(1),(3), 468.1205(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-6.001 Continuing Education as a Condition for Renewal or Reactivation.

(1) As a condition of the biennial renewal of an active status license, the licensee shall attend and certify attending 30 credit hours, per biennium, of Board approved continuing education, twenty (20) of which shall be clinically related as defined in subsection 64B20-6.002(2), F.A.C., and two (2) of which shall be proof of completion of a course relating to prevention of medical errors as specified in subsection 64B20-2.001(3), F.A.C. Those licensed as both audiologists and speech-language pathologists shall attend and certify attending 50 credit hours, per biennium, of Board approved continuing education, forty (40) hours of which shall be clinically related, twenty (20) in each specialty, of which two (2) hours shall be a Board approved course related to the prevention of medical errors as specified in subsection 64B20-2.001(3), F.A.C.

(2) through (10) No change.

(11) Continuing education credit shall be awarded for clinically related graduate level university courses from an institution as described in subsection 64B20-2.002(1), F.A.C., at the rate of fifteen (15) continuing education hours per semester hour of course work. For a licensee or certified assistant to receive credit for said graduate level course, the following criteria must be met:

(a) Except for assistants, the course shall not have been taken as part of the curriculum to satisfy the educational requirements for licensure, and

(b) The licensee or certified assistant shall not have taken the course previously unless the licensee or certified assistant can demonstrate that there has been a substantial change in the course content since the course was first taken.

(c) The course must have received prior approval pursuant to subsection 64B20-6.002(3), F.A.C.

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

Specific Authority 456.013(7), 468.1135(4)(a), 468.1195(1),(3), 468.1205(1) FS. Law Implemented 456.013(7), 468.1195(1),(3), 468.1205(1) FS. History–New 3-14-91, Amended 8-11-91, 5-28-92, 2-24-93, Formerly 21LL-6.001, Amended 1-31-94, 7-5-94, Formerly 61F14-6.001, Amended 3-28-95, 10-1-95, 11-20-95, 4-1-96, Formerly 59BB-6.001, Amended 7-7-98, 1-6-00, 4-4-02, 3-28-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2005

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

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLES: RULE NOS.:

Telecoil 64B20-8.0045

Posting of Prices 64B20-8.007

PURPOSE AND EFFECT: Repeal Rules 64B20-8.0045 and 64B20-8.007, F.A.C.

SUMMARY: Repealing the above referenced rules.

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

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

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1225(4)(b),(5)(b) 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: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B20-8.0045 Telecoil.

Specific Authority 468.1135(4) FS. Law Implemented 468.1225(4)(b),(5)(b) FS. History–New 11-30-94, Formerly 59BB-8.0045, Repealed \_\_\_\_\_.

64B20-8.007 Posting of Prices.

Specific Authority 468.1135(4) FS. Law Implemented 468.1245 FS. History–New 4-2-91, Formerly 21LL-8.007, 61F14-8.007, 59BB-8.007, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Speech-Language Pathology and Audiology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Speech-Language  
Pathology and Audiology  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 21, 2005

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 21, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 4, 2005

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLE: Place of Practice  
RULE NO.: 64B20-9.003

PURPOSE AND EFFECT: The rule will set a time limit for notifying the Department of an address change and will clarify that the place of practice is the primary location where the licensee practices.

SUMMARY: The rule imposes a thirty day time limit for noticing an address change and clarifies the place of practice to be the primary practice location.

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

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

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 456.035 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-9.003 Place of Practice.

It shall be the duty of each licensee or certificateholder to provide to the Department written notification of his or her current mailing address and place of practice within 30 days of the change. The term "place of practice" means the address of the primary physical location where the licensee or certificateholder practices.

Specific Authority 468.1135(4) FS. Law Implemented 456.035 FS. History--New 11-1-94, Formerly 59BB-9.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Speech-Language Pathology and Audiology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Speech-Language  
Pathology and Audiology

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE TITLES: Reporting Requirements for Individuals  
Reporting Requirements for Laboratories  
RULE NOS.: 64D-3.022  
64D-3.023

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to add language requiring physicians and laboratories to submit evidence of spoligotyping of TB (tuberculosis) isolates in reporting TB cases to the department.

SUMMARY: The proposed amendments to Rules 64D-3.022 and 64D-3.022, F.A.C., addresses what evidence of spoligotyping must be submitted to the department. If the evidence of spoligotyping is not available, the amendments state that the isolate must be submitted to the department's laboratory in Jacksonville and that the department will provide mailing materials and pay mailing costs.

SUMMARY STATEMENT OF ESTIMATED OF 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: 381.0011(4), 381.011(13), 381.003(2), 392.53, 392.66 FS.

LAW IMPLEMENTED: 381.011, 381.003(1)(a), 392.53(1), 392.53(2) FS.

IF REQUESTED IN WRITING WITHIN 21 DYAS 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 28, 2005

PLACE: Department of Health, Bureau of TB and Refugee Health, Room 135Q, 2585 Merchant's Row Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jane Peck, Government Operations Consultant II, Bureau of Tuberculosis and Refugee Health, 2585 Merchant's Row Blvd., Suite 240, Tallahassee, FL 32399-1717

THE FULL TEXT OF THE PROPOSED RULES IS:

64D-3.022 Reporting Requirements for Individuals.

(1) Each individual who makes a diagnosis of or provides medical services to a person with suspected or confirmed active tuberculosis shall report or cause to be reported such diagnosis to the department. Examples of individuals required to report include the following: persons licensed under



Chapters 458, 459, 464, 465, or Part II, Part IV or Part V of Chapter 468; medical examiners appointed pursuant to Chapter 406, F.S.; administrators of health facilities where tuberculosis patients receive health care services; medical technologists; and infection control officers.

(2) A person has active tuberculosis when either of the following occur:

(a) A culture specimen taken from any source has tested positive for tuberculosis and the person has not completed an appropriate prescribed course of medication for tuberculosis disease, or

(b) There is current radiological, clinical, or laboratory evidence sufficient to establish a medical diagnosis of tuberculosis for which treatment is indicated and the person has not completed an appropriate prescribed course of medication for tuberculosis.

(3) The reporting individual shall provide to the department, to the fullest extent known at the time the report is made, the following information:

- (a) Patient's name
- (b) Patient's address (including temporary living quarters)
- (c) Patient's home telephone number (including temporary living quarters)
- (d) Patient's date of birth
- (e) Patient's sex
- (f) Patient's race

(g) Pertinent diagnostic information including, but not limited to, results of Mantoux tuberculin skin tests, laboratory examinations, the 15 digit spoligotype (octal code), radiographic examinations, and physical examinations. If the spoligotyping is not available, the isolate must be submitted to the department's laboratory in Jacksonville. The department will provide the mailing materials and pay mailing costs.

(h) Name, title, address, and telephone number of the diagnosing physician or the individual submitting the report.

(4) Initial reports shall be submitted by telephone, facsimile or in writing in accordance with Department of Health Information Security policies within 72 hours of diagnosis. Reports shall be submitted to the county health department office having jurisdiction for the area in which the office of the reporting individual or the patient's residence is located.

Specific Authority 381.0011(13), 381.003(2), 392.53(2), 392.66 FS. Law Implemented 381.0011, 381.003(1)(a), 392.53, 392.64 FS. History--New 7-19-89, Amended 2-26-92, 5-20-96, Formerly 10D-3.10, Amended 9-17-98, \_\_\_\_\_.

64D-3.023 Reporting Requirements for Laboratories.

(1) Each person who is in charge of a laboratory which ~~performs cultures for~~ *Mycobacterium* spp., or which refers specimens to laboratories other than those operated by the department for mycobacterial cultures, shall report or cause to be reported all specimens positive for *Mycobacterium tuberculosis*, *Mycobacterium bovis*, or *Mycobacterium*

*africanum* to the department. Reports shall be made by telephone, facsimile or in writing in accordance with Department of Health Information Security policies within 72 hours from the date of the test result. Reports shall be submitted to the county health department office having jurisdiction for the area in which the office of the submitting individual or the patient's residence is located.

(2) Identifying information required on the report is:

- (a) Patient's Name;
- (b) Patient's Address;
- (c) Patient's Date of birth;
- (d) Patient's Sex;
- (e) Patient's Race;
- (f) Name and address of submitting physician;
- (g) Name and address of laboratory performing test;
- (h) Type of specimen;
- (i) Date of specimen collection;

(j) Test(s) performed and result(s), including the 15 digit spoligotype (octal code). If the spoligotyping is not available, the isolate must be submitted to the department's laboratory in Jacksonville. The department will provide the mailing materials and pay mailing costs.

(3) The form on which the information will be reported will be furnished by the laboratory.

(4) Laboratories shall submit all test information to the local county health department having jurisdiction for the area in which the office of the reporting physician or the patient's residence is located and also to the department's Bureau of Tuberculosis and Refugee Health Control and Prevention office in Tallahassee.

Specific Authority 381.0011(13), 381.003(2), 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.53 FS. History--New 7-19-89, Amended 2-26-92, Formerly 10D-3.106, Amended 9-17-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jane Peck

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Landis K. Crockett, M.D., M.P.H.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE TITLE:

General Regulations; Definitions

RULE NO.:

64F-12.001

PURPOSE AND EFFECT: The proposed rule adds three prescription drugs, Viagra, Celebrex, and Bextra, to the specified list of prescription drugs for which a pedigree paper back to the manufacturer is required for the wholesale distribution of Viagra, Celebrex, and Bextra to a wholesale distributor pursuant to Section 499.0121(6)(e), F.S.

SUMMARY: The proposed rule amends the definition of a specified drug by adding three prescription drugs, Viagra, Celebrex, and Bextra, in all strengths and sizes, to the list of prescription drugs qualifying as a specified drug. The wholesale distribution of a specified drug to a wholesale distributor requires special recordkeeping requirements that trace the history of all prior sales of the specified drug back to the manufacturer. The Prescription Drug Advisory Council recommended to the Secretary of the Department of Health, by unanimous vote on February 17, 2005, to place Viagra, Celebrex, and Bextra on the list of specified drugs in accordance with the procedures established in Section 499.0121(6)(e), F.S., in order to protect the public health.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This rule will affect prescription drug wholesalers permitted to wholesale prescription drugs in or into the state of Florida that purchase Viagra, Celebrex, or Bextra from sources other than directly from the manufacturer and those wholesalers that sell Viagra, Celebrex, or Bextra to other prescription drug wholesalers. Prescription drug wholesalers that purchase Viagra, Celebrex, or Bextra from sources other than directly from the manufacturer will be required to verify a pedigree paper that traces all prior sales of each container of Viagra, Celebrex, or Bextra back to particular product's manufacturer. In addition, a prescription drug wholesaler that sells Viagra, Celebrex, or Bextra to a prescription drug wholesaler will be required to either state on the invoice or accompanying documentation that each container of the drug was purchased by that establishment or a member of that establishment's affiliated group directly from the manufacturer, or provide a pedigree paper that traces all prior sales of each container of the drug back to the manufacturer.

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: 499.0121(6)(e), 499.05 FS.

LAW IMPLEMENTED: 499.0121 FS.

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

TIME AND DATE: 10:00 a.m. (EST), Monday, April 25, 2005

PLACE: 2818-A Mahan Drive, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact: Maxine Wenzinger, (850)922-5190.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, e-mail: sandra\_stovall@doh.state.fl.us.fl

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C.:

(a) through (u) No change.

(v) "Specified drug" means all dosage forms, strengths and container sizes of the following prescription drugs:

1. Bextra (valdecoxib)

2. Celebrex (celecoxib)

1. through 22. renumbered 3. through 24. No change.

25. Viagra (sildenafil citrate)

23. through 31. renumbered 25. through 34. No change.

(w) through (x) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History--New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 7-1-03, 10-7-03, 1-4-04, 1-29-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Access and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 22, 2005

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Fire Prevention – General Provisions

RULE CHAPTER NO.: 69A-3

RULE TITLE: Standards of the National Fire Protection

RULE NO.:

Association and Other Standards Adopted 69A-3.012

PURPOSE AND EFFECT: The purpose of the rules is to update Rule Chapter 69A-3, Florida Administrative Code, to accommodate revisions in the standards previously adopted which pertain to structures subject to the uniform rules governing the entities and subjects listed in Sections 633.022(1)(a) and (1)(b), Florida Statutes. The effect of this rule development will be to modernize the standards in use for the various entities listed in Section 633.022, Florida Statutes.

SUMMARY: The changes in these rules update standards of the National Fire Protection and Other Standards for entities and subjects subject to Section 633.022, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 633.01, 633.022 FS.

LAW IMPLEMENTED: 633.022 FS.

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

TIME AND DATE: 9:00 a.m., May 12, 2005

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619, Fax (850)922-2553, or at the address shown above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3171, Fax (850)922-2553, e-mail: goodloej@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) Except as specifically modified by statute or by the State Fire Marshal's rules, the Florida specific edition of NFPA 101, the Life Safety Code<sup>®</sup>, 2003 edition and NFPA 1, the Uniform Fire Code<sup>™</sup>, 2003 edition, as adopted within the 2004 edition of the Florida Fire Prevention Code, are hereby adopted and incorporated by reference as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S. In addition, the following standards ~~as referenced in Chapter 2 of NFPA 101, 2000 edition and Chapter 32 of NFPA 1, 2000 edition~~, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform firesafety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S.:

NFPA 10-~~2002~~ 1998, Standard for Portable Fire Extinguishers

NFPA 11-~~2002~~ 1998, Standard for Low-, Medium, and High-Expansion Foam

NFPA 11A-1999, Standard for Medium and High Expansion Foam Systems

NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems

NFPA 12A-1997, Standard on Halon 1301 Fire Extinguishing Systems

NFPA 13-~~2002~~ 1999, Standard for the Installation of Sprinkler Systems

NFPA 13D-~~2002~~ 1999, Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes

NFPA 13R-~~2002~~ 1999, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height

NFPA 14-~~2003~~ 2000, Standard for the Installation of Standpipe and Hose Systems, except 2-7 shall be omitted

NFPA 15-~~2001~~ 1996, Standard for Water Spray Fixed Systems for Fire Protection

NFPA 16-~~2003~~ 1999, Standard for the Installation of ~~on~~ ~~Deluge~~ Foam-Water Sprinkler and Foam-Water Spray Systems

NFPA 17-~~2002~~ 1998, Standard for Dry Chemical Extinguishing Systems

NFPA 17A-~~2002~~ 1998, Standard on Wet Chemical Extinguishing Systems

NFPA 20-1999, Standard for the Installation of Stationary Pumps for Fire Protection

NFPA 22-~~2003~~ 1998, Standard for Water Tanks for Private Fire Protection

NFPA 24-~~2002~~ 1995, Standards for the Installation of Private Fire Service Mains and Their Appurtenances

NFPA 25-~~2002~~ 1998, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, except that quarterly flow tests shall be required for those systems supplied by a municipal water supply.

NFPA 30-~~2000~~ 1996, Flammable and Combustible Liquids Code

NFPA 30A-~~2000~~ 1996, Code for Motor Fuel Dispensing Facilities and Repair Garages ~~Automotive and Marine Service Station Code~~

NFPA 30B-~~2002~~ 1998, Code for the Manufacture and Storage of Aerosol Products

NFPA 31-~~2001~~ 1997, Standard for the Installation of Oil Burning Equipment

NFPA 32-~~2000~~ 1996, Standards for Drycleaning Plants

NFPA 33-~~2000~~ 1995, Standard for Spray Application Using Flammable and Combustible Materials

NFPA 34-~~2000~~ 1995, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids

NFPA 35-1999, Standard for the Manufacture of Organic Coatings

NFPA 36-~~2001~~ 1997, Standard for Solvent Extraction Plants

NFPA 37-~~2002~~ 1998, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines

- NFPA 40-~~2001~~ 1997, Standard for the Storage and Handling of Cellulose Nitrate ~~Motion Picture~~ Film
- NFPA 45-~~2000~~ 1996, Standard on Fire Protection for Laboratories Using Chemicals
- NFPA 50-~~2001~~ 1996, Standard for Bulk Oxygen Systems at Consumer Sites
- NFPA 50B-1999, Standard for Liquid Hydrogen Systems at Consumer Sites
- NFPA 51-~~2002~~ 1997, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes
- NFPA 51A ~~2001~~ 1996, Standard for Acetylene Cylinder Charging Plants
- NFPA 51B-1999, Standard for Fire Prevention During Welding, Cutting and Other Hot Work
- NFPA 52-~~2002~~ 1998, Compressed Natural Gas Vehicular Fuel Systems Code
- NFPA 54-~~2002~~ 1999, National Fuel Gas Code
- NFPA 57-~~2002~~ 1999, Liquefied Natural Gas Vehicular Fuel Systems Code
- NFPA 58-~~2001~~ 1998, Liquefied Petroleum Gas Code
- NFPA 59-~~2001~~ 1998, Utility LP-Gas Plant Code ~~Standard for Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants~~
- NFPA 59A-~~2001~~ 1996, Standard for the Production, Storage and Handling of Liquefied Natural Gas
- NFPA 61-~~2002~~ 1999, Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities
- NFPA 69-~~2002~~ 1997, Standard on Explosion Prevention Systems
- NFPA 70-~~2002~~ 1999, National Electrical Code
- NFPA 72-~~2002~~ 1999, National Fire Alarm Code
- NFPA 75-~~2003~~ 1999, Standard for the Protection of Electronic Computer/Data Processing Equipment
- NFPA 80-1999, Standard for Fire Doors and Fire Windows
- NFPA 82-1999, Standard on Incinerators and Waste and Linen Handling Systems and Equipment
- NFPA 86-1999, Standard for Ovens and Furnaces
- NFPA 86C-1999, Standard for Industrial Furnaces Using a Special Processing Atmosphere
- NFPA 86D-1999, Standard for Industrial Furnaces Using Vacuum as an Atmosphere
- NFPA 88A-~~2002~~ 1998, Standard for Parking Structures
- ~~NFPA 88B-1997, Standard for Repair Garages~~
- NFPA 90A-~~2002~~ 1999, Standard for the Installation of Air Conditioning and Ventilating Systems
- NFPA 90B-~~2002~~ 1999, Standard for the Installation of Warm Air Heating and Air Conditioning Systems
- NFPA 91-1999, Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids
- NFPA 92A-~~2000~~ 1996, Recommended Practice for Smoke-Control Systems
- NFPA 92B-~~2000~~ 1995, Guide for Smoke Management Systems in Malls, Atria, and Large Areas
- NFPA 96-~~2001~~ 1998, Standard for Ventilation Control and Fire Prevention of Commercial Cooking Operations. Subdivision 7-2.2 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.
- NFPA 99-~~2002~~ 1999, Standard for Health Care Facilities
- NFPA 101A-~~2001~~ 1998, Guide on Alternative Approaches to Life Safety
- NFPA 101B-~~2002~~ 1999, Standard on Means of Egress for Buildings and Structures
- NFPA 102-1995, Standard for Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures
- NFPA 105-~~2003~~ 1999, Recommended Practice for the Installation of Smoke-Control Door Assemblies
- NFPA 110-~~2002~~ 1999, Standard for Emergency and Standby Power Systems
- NFPA 111-~~2001~~ 1996, Standard on Stored Electrical Energy Emergency and Standby Power Systems
- NFPA 120-1999, Standard for Coal Preparation Plants
- NFPA 140-1999, Standard on ~~for~~ Motion Picture and Television Production Studio Soundstages and Approved Production Facilities
- NFPA 150-~~2000~~ 1995, Standard on Firesafety in Racetrack Stables
- NFPA 160-~~2001~~ 1998, Standard for Flame Effects Before an Audience
- NFPA 211-~~2003~~ 2000, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances
- NFPA 214-~~2000~~ 1996, Standard on Water-Cooling Towers
- ~~NFPA 220-1999, Standard on Types of Building Construction~~
- NFPA 221-~~2000~~ 1997, Standard on Fire Walls and Fire Barrier Walls
- NFPA 230-~~2003~~ 1999, Standard for the Fire Protection of Storage
- ~~NFPA 231D-1998, Standard for Storage of Rubber Tires~~
- NFPA 232-~~2000~~ 1995, Standard for the Protection of Records
- NFPA 232A-~~1995~~ 1991, Guide Standard ~~for Fire Protection for Archives and Record Centers~~
- NFPA 241-~~2000~~ 1996, Standard for Safeguarding Construction, Alteration and Demolition Operations
- NFPA 251-1999, Standard Methods of Tests of Fire Endurance of Building Construction and Materials
- NFPA 252-1999, Standard Methods of Fire Tests of Door Assemblies
- NFPA 253-2000, Standard Method of Test for Critical Flux of Floor Covering Systems Using a Radiant Heat Energy Source
- NFPA 255-2000, Standard Method of Test of Surface Burning Characteristics of Building Materials

- NFPA 256-1998, Standard Methods of Fire Tests of Roof Coverings
- NFPA 257-2000, Standard on Fire Tests for Window and Glass Block Assemblies
- NFPA 259-~~2003~~ 1998, Standard Test Method for Potential Heat of Building Materials
- NFPA 260-1998, Standard Method of Test and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
- NFPA 261-1998, Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
- NFPA 265-~~2002~~ 1998, Standard ~~Methods Method~~ of ~~Fire Tests Test~~ for Evaluating Room Fire Growth Contribution of Textile ~~Wall Coverings on Full Height Panels and Walls~~
- NFPA 266-1998, Standard Method of Test for Characteristics of Upholstered Furniture Exposed to Flaming Ignition Sources
- NFPA 267-1998, Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Sources
- NFPA 286-2000, Standard Method of Fire Test for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth
- NFPA 303-~~2000~~ 1995, Fire Protection Standards for Marinas and Boatyards
- NFPA 307-~~2000~~ 1995, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
- NFPA 312-~~2000~~ 1995, Standard for Fire Protection of Vessels During Construction, Repair and Lay-Up
- NFPA 318-~~2002~~ 1998, Standard for the Protection of Semiconductor Fabrication Facilities
- NFPA 385-2000, Standard for Tank Vehicles for Flammable and Combustible Liquids
- ~~NFPA 395-1993, Standard for Storage of Flammable and Combustible Liquids at Farms and Isolated Sites~~
- NFPA 407-~~2001~~ 1996, Standard for Aircraft Fuel Servicing
- NFPA 409-~~2001~~ 1995, Standard on Aircraft Hangars
- NFPA 410-1999, Standard on Aircraft Maintenance
- NFPA 415-~~2002~~ 1997, Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
- NFPA 418-~~2001~~ 1995, Standard for Heliports
- NFPA 430-2000, Code for Storage of Liquid and Solid Oxidizers
- NFPA 432-~~2002~~ 1997, Code for Storage of Organic Peroxide Formulations
- NFPA 434-~~2002~~ 1998, Code for the Storage of Pesticides
- ~~NFPA 480-1998, Standard for the Storage, Handling and Processing of Magnesium Solids and Powders~~
- ~~NFPA 481-1995, Standard for the Production, Processing, Handling and Storage of Titanium~~
- ~~NFPA 482-1996, Standard for the Production, Processing, Handling, and Storage of Zirconium~~
- NFPA 484-2002, Standard for Combustible Metals, Metal Powders, and Metal Dusts
- ~~NFPA 485-1999, Standard for the Storage, Handling, Processing, and Use of Lithium Metal~~
- NFPA 490-1998, Code for the Storage of Ammonium Nitrate
- NFPA 495-~~2001~~ 1996, Explosive Materials Code
- NFPA 498-~~2001~~ 1996, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives
- NFPA 501-~~2003~~ 1999, Standard on Manufactured Housing
- NFPA 501A-~~2003~~ 1999, Standard for Firesafety Criteria for Manufactured Home Installations, Sites, and Communities
- NFPA 505-~~2002~~ 1999, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation.
- ~~NFPA 650-1998, Standard for Pneumatic Conveying Systems for Handling Combustible Particulate Solids~~
- ~~NFPA 651-1998, Standard for the Machining and Finishing of Aluminum and the Production and Handling of Aluminum Powder~~
- NFPA 654-~~2000~~ 1997, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
- NFPA 655-~~2001~~ 1993, Standard for Prevention of Sulfur Fires and Explosions
- NFPA 664-~~2002~~ 1998, Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
- NFPA 701-1999, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
- NFPA 703-~~2000~~ 1995, Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials
- NFPA 704-~~2001~~ 1996, Standard System for the Identification of the Fire Hazards of Materials for Emergency Response
- NFPA 780-~~2000~~ 1997, Installation of Lightning Protection Systems
- NFPA 909-~~2001~~ 1997, Standard for the Protection of Cultural Resources, ~~Including Museums, Libraries, Places of Worship, and Historical Properties~~
- NFPA 1122-~~2002~~ 1997, Code for Model Rocketry
- NFPA 1123-~~2000~~ 1995, Code for Fireworks Display
- NFPA 1124-~~2003~~ 1998, Code for the Manufacture, Transportation, ~~and~~ Storage, and Retail Sale of Fireworks and Pyrotechnic Articles
- NFPA 1125-~~2001~~ 1995, Code for the Manufacture of Model Rocket and High Power Rocket Motors
- NFPA 1126-~~2001~~ 1996, Standard for the Use of Pyrotechnics Before a Proximate Audience
- NFPA 1127-~~2002~~ 1998, Code for High Power Rocketry
- NFPA 1142-~~2001~~ 1999, Standard for Water Supplies for Suburban and Rural Fire Fighting
- NFPA 1194-~~2002~~ 1999, Standard for Recreation Vehicle Parks and Campgrounds

NFPA 1221-~~2002~~ 1999, Standard for the Installation, Maintenance, and Use of Emergency Communications Systems ~~Communication for Emergency Services~~

NFPA 1561-~~2002~~ 2000, Standard on Emergency Services Incident Management System

NFPA 1962-~~2003~~ 1998, Standard for the Inspection, Care, and Use, and Service Testing of Fire Hose Including Couplings and Nozzles; and the Service Testing of Fire Hose

NFPA 1963-1998, Standards for Fire Hose Connections

NFPA 2001-2000, Standard on Clean Agent Fire Extinguishing Systems

NFPA 8501-1997, Standard for Single Burner Operation

NFPA 8502-1999, Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers

~~NFPA 8503-1997, Standard for Pulverized Fuel Systems~~

The portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders

The portions of 29 Code of Federal Regulations, Parts 1900-1910 which are referenced in Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association

CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association

CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders Compressed Gas Association

CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders

Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995

Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders

Compressed Gas Association CGA C-6.3-1999, Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition

(2) All buildings, structures, establishments, facilities, equipment, or vehicular equipment over which the State Fire Marshal has jurisdiction which are constructed, renovated, expanded, rehabilitated, or in any other way significantly altered on or after the effective date of the adoption of the codes and standards adopted in subsection (1), above, shall conform to the requirements of the codes, standards, recommended practices, and manuals contained therein, unless the structure, establishment, or facility has been exempted from complying because the building, structure, establishment, facility, equipment, or vehicular equipment has been granted an exemption from compliance by act of the Legislature.

(3) All buildings, structures, establishments, facilities, equipment, or vehicular equipment over which the State Fire Marshal has jurisdiction which are in existence on or after the effective date of the adoption of the codes and standards adopted in subsection (1), above, shall conform to the requirements of those codes and standards within a reasonable period of time. It is understood that the correction of some fire safety violations will necessitate the employment of design professionals while other violations can be expeditiously resolved. "Within a reasonable time" is defined as the amount of time it would normally take to correct a specific fire code violation under the assumption that the property owner would begin to correct said violations upon receipt of an official document from the enforcing agency.

(4) The codes and standards published by the National Fire Protection Association, including the Florida edition of NFPA 1 and NFPA 101 as adopted in Rule Chapter 69A-60, F.A.C., may be obtained by writing to the NFPA at: Batterymarch Park, Quincy, Massachusetts 02269. ANSI standards may be obtained from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018. ANSI/ASME standards may be obtained from the American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017. ASTM standards may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. UL standards may be obtained from Underwriters Laboratories, Inc., 333 Pfingston Road, Northbrook, IL 60062. All standards incorporated by reference in this rule are also available for public inspection during regular business hours at the Division currently located on the third floor (Room 326) of the Atrium Building, 325 John Knox Road, Tallahassee, Florida.

(5) The Code of Federal Regulations and the Compressed Gas Association (CGA) documents incorporated by reference in this rule are available for public inspection during regular business hours at the Division currently located on the third floor (Room 326) of the Atrium Building, 325 John Knox Road, Tallahassee, Florida.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01, 633.022 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
James Goodloe, Chief, Bureau of Fire Prevention, Division of  
State Fire Marshal, Department of Financial Services  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Randall Napoli, Director, Division  
of State Fire Marshal, Department of Financial Services  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: January 24, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 18, 2005

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Workers' Compensation

RULE TITLE: RULE NO.:

Procedures for Imputing Payroll and  
Penalty Calculations 69L-6.028

PURPOSE AND EFFECT: The purpose and effect of the rule is to establish the procedure for imputing the weekly payroll for each employee, corporate officer, sole proprietor, or partner when the employer has failed to provide business records sufficient to enable the department to determine the employer's payroll for the period requested for purposes of calculating the penalty to be assessed against the employer due to the employer's failure to secure the payment of compensation, and to calculate the penalty to be assessed against an employer for periods of non-compliance prior to October 1, 2003, when the employer has failed to provide business records sufficient to enable the department to determine the employer's payroll for that time period.

SUMMARY: The calculation of employer penalties where the employer has failed to provide business records sufficient to enable the department to determine payroll for the period requested is the number of employees without coverage times 1.5 times the average statewide weekly wage, except for periods of noncompliance prior to October 1, 2003.

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: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(5) (2002), 440.107(7)(e) 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: 9:30 a.m., April 26, 2005

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Acting Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

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 above.

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.028 Procedures for Imputing Payroll and Penalty Calculations.

(1) In the event an employer fails to provide business records sufficient for the department to determine the employer's payroll for the period requested for the calculation of the penalty pursuant to Section 440.107(7)(e), Florida Statutes, the department shall impute payroll at any time after the expiration of fifteen business days after receipt by the employer of a written request to produce such business records.

(2) When an employer fails to provide business records sufficient to enable the department to determine the employer's payroll for the period requested for purposes of calculating the penalty provided for in Section 440.107(7)(d), Florida Statutes, the imputed weekly payroll for each employee, corporate officer, sole proprietor or partner for the portion of the period of the employer's non-compliance occurring on or after October 1, 2003 shall be calculated as follows:

(a) For employees other than corporate officers, for each employee identified by the department as an employee of such employer at any time during the period of the employer's non-compliance, the imputed weekly payroll for each week of the employer's non-compliance for each such employee shall be the statewide average weekly wage as defined in Section 440.12(2), Florida Statutes, that is in effect at the time the stop work order was issued to the employer, multiplied by 1.5. Employees include sole proprietors and partners in a partnership.

(b) If the employer is a corporation, for each corporate officer of such employer identified as such on the records of the Division of Corporations at the time of issuance of the stop-work order, the imputed weekly payroll for each week of the employer's non-compliance for each such corporate officer shall be the statewide average weekly wage as defined in Section 440.12(2), Florida Statutes, that is in effect at the time the stop work order was issued to the employer, multiplied by 1.5.

(c) If a portion of the period of non-compliance includes a partial week of non-compliance, the imputed weekly payroll for such partial week of non-compliance shall be prorated from the imputed weekly payroll for a full week.

(3) If subsequent to imputation of weekly payroll pursuant to section (2) herein, but before the expiration of forty-five calendar days from the receipt by the employer of written request to produce business records, the employer provides business records sufficient for the department to determine the employer's payroll for the period requested for the calculation of the penalty pursuant to Section 440.107(7)(e), Florida Statutes, the department shall recalculate the employer's penalty to reflect the payroll information provided in such business records.

(4) Where periods of the employer's non-compliance occurred prior to October 1, 2003, and the employer fails to provide business records sufficient to enable the department to determine the employer's payroll for periods of non-compliance prior to October 1, 2003, for purposes of calculating the penalty to be assessed against the employer for periods of non-compliance prior to October 1, 2003, the department shall assess against the employer a penalty of \$100 per day for each and every calendar day in the period of non-compliance occurring prior to October 1, 2003 the employer was not in compliance, pursuant to Section 440.107(5), Florida Statutes (2002).

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(5) (2002), 440.107(7)(e) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dan Sumner, Deputy Director of Workers' Compensation, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director of Workers' Compensation, Division of Workers' Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR Insurance Regulation**

|   |                   |
|---|-------------------|
| RULE CHAPTER TITLE:   | RULE CHAPTER NO.: |
| Medicare Supplement Insurance   | 690-156           |
| RULE TITLES:  | RULE NOS.:        |
| Scope   | 690-156.002       |
| Definitions   | 690-156.003       |
| Policy Definitions and Terms  | 690-156.004       |
| Policy Provisions   | 690-156.005       |
| Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to January 1, 1992 | 690-156.006       |
| Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992      | 690-156.007       |

|  |              |
|--|--------------|
| Standard Medicare Supplement Benefit Plans                         | 690-156.008  |
| Guaranteed Issue for Eligible Persons                              | 690-156.0095 |
| Loss Ratio Standards and Refund or Credit of Premium               | 690-156.011  |
| Filing and Approval of Policies and Certificates and Premium Rates | 690-156.012  |
| Required Disclosure Provisions                                     | 690-156.014  |
| Requirements for Application Forms and Replacement Coverage        | 690-156.015  |
| Appropriateness of Recommended Purchase and Excessive Insurance    | 690-156.017  |
| Reporting of Multiple Policies                                     | 690-156.018  |
| Medicare Select  | 690-156.030  |

PURPOSE, EFFECT AND SUMMARY: The amendments to Rule Chapter 690-156, F.A.C., are being amended to conform to recent federal legislation changes and conforming changes to the NAIC Model and other updates addressing conversion or replacement coverage.

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, 627.674, 627.6741(5) FS.  
LAW IMPLEMENTED: 624.307(1), 627.410, 627.411, 627.671-.675 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: 9:30 a.m., April 28, 2005  
PLACE: Room 142, 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: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, E-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:  
690-156.002 Scope.  
(1)(a) No change.  
(b) For Medicare supplement policies and certificates issued before January 1, 1992, only Rules 690-156.006, 690-156.010, 690-156.011, 690-156.014, and 690-156.018, F.A.C., shall apply.



(2) No change.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.674(2) FS. History—New 1-1-81, Formerly 4-51.02, Amended 11-7-88, 9-4-89, Formerly 4-51.002, Amended 1-1-92, 7-14-96, 3-4-01, Formerly 4-156.002, Amended \_\_\_\_\_

69O-156.003 Definitions.

For purposes of this rule:

(1) No change.

(2) “Bankruptcy” means when a Medicare Advantage + ~~Choice~~ organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in the state.

(3) through (11) No change.

(12) “Medicare Advantage + ~~Choice~~ plan” means a plan of coverage for health benefits under Medicare Part C as defined in 42 U.S.C. Section 1395w-28(b)(1) which is hereby incorporated by reference, and includes:

(a) No change.

(b) Medical savings account plans coupled with a contribution into a Medicare Advantage + ~~Choice~~ medical savings account; and

(c) Medicare Advantage + ~~Choice~~ private fee-for-service plans.

(13) “Medicare Supplement Policy” means a group or individual policy of health insurance or a subscriber contract of health maintenance organizations, other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act (42 U.S.C. Section 1395 et seq.) or an issued policy under a demonstration project as specified in 42 U.S.C. Section 1395 ss.(g)(1), which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare. “Medicare supplement policy does not include Medicare Advantage plans established under Medicare Part C, Outpatient Prescription Drug plans established under Medicare Part D, or any Health Care Prepayment Plan (HCPP) that provides benefits pursuant to an agreement under §1833(a)(1)(A) of the Social Security Act.”

(14) through (18) No change.

Specific Authority 624.308(1), 627.674(2), 627.674(5) FS. Law Implemented 624.307(1), 627.674, 627.674(5) FS. History—New 1-1-81, Formerly 4-51.03, Amended 11-7-88, 9-4-89, 12-9-90, Formerly 4-51.003, Amended 1-1-92, 7-14-96, 7-26-99, 3-4-01, Formerly 4-156.003, Amended \_\_\_\_\_

69O-156.004 Policy Definitions and Terms.

No policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy or certificate unless such policy or certificate contains definitions or terms which conform to the requirements of this section.

(1) through (3) No change.

(4) “Health Care Expenses” means for the purposes of Rule 69O-156.011, F.A.C., expenses of health maintenance organizations associated with the delivery of health care services, which expenses are analogous to incurred losses of insurers. Such expenses shall not include:

- (a) ~~Home office and overhead costs;~~
  - (b) ~~Advertising costs;~~
  - (c) ~~Commissions and other acquisition costs;~~
  - (d) ~~Taxes;~~
  - (e) ~~Capital costs;~~
  - (f) ~~Administrative costs; and~~
  - (g) ~~Claims processing costs.~~
- (5) through (6) No change.

(7) “Medicare Eligible Expenses” shall mean expenses of the kinds covered by Medicare Parts A and B, to the extent recognized as reasonable and medically necessary by Medicare.

(8) through (9) No change.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.674, 627.674(1) FS. History—New 1-1-92, Formerly 4-156.004, Amended \_\_\_\_\_

69O-156.005 Policy Provisions.

(1) through (3) No change.

(4)(a) Subject to paragraphs 69O-156.006(1)(e), (f), and (h), and paragraphs 69O-156.007(1)(d) and (e), F.A.C., a Medicare supplement policy with benefits for outpatient prescription drugs in existence prior to January 1, 2006, shall be renewed for current policyholders who do not enroll in Part D at the option of the policyholder.

(b) A Medicare supplement policy with benefits for outpatient prescription drugs shall not be issued after December 31, 2005.

(c) After December 31, 2005, a Medicare supplement policy with benefits for outpatient prescription drugs may not be renewed after the policyholder enrolls in Medicare Part D unless:

1. The policy is modified to eliminate outpatient prescription coverage for expenses of outpatient prescription drugs incurred after the effective date of the individual’s coverage under a Part D plan and;

2. Premiums are adjusted to reflect the elimination of outpatient prescription drug coverage at the time of Medicare Part D enrollment, accounting for any claims paid, if applicable.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.674(2) FS. History—New 1-1-81, Formerly 4-51.04, Amended 9-4-89, Formerly 4-51.004, Amended 1-1-92, Formerly 4-156.005, Amended \_\_\_\_\_

69O-156.006 Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to January 1, 1992.

No policy certificate may be advertised, solicited, issued, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) through (e) No change.

(f) 1. through 3. No change.

4. a. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

b. If the terminated group policy was issued on an issue age basis and the policy reserves are transferred to the new insurer, the new group certificates shall retain the original issue ages of the insureds and shall commence at the same duration as the terminated certificates.

(g) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(h) If a Medicare supplement policy eliminates an outpatient drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this subsection.

(2) Minimum Benefit Standards.

(a) through (e) No change.

(f) Coverage for the coinsurance amount or in the case of hospital outpatient department services paid under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [\$100]. ~~Coverage for the coinsurance amount of Medicare eligible expenses for covered outpatient drugs used in immunosuppressive therapy subject to the Medicare deductible amount is included herein.~~

(g) No change.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.411, 627.674, 627.6741 FS. History—New 1-1-81, Formerly 4-51.05, Amended 9-4-89, 12-9-90, Formerly 4-51.005, Amended 1-1-92, 3-4-01, 3-31-02, Formerly 4-156.006, Amended.

69O-156.007 Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after January 1, 1992. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) through (d) No change.

(e) Each Medicare supplement policy shall be guaranteed renewable and:

1. through 2. No change.

3. a. No change.

(I) Provides for continuation of the benefits contained in the group policy, or

(II) Provides for such benefits as otherwise meets the requirements of this rule.

b. In either case, if the group policy was issued on an issue age basis, the individual Medicare supplement policy is issued at the original issue age of the terminated certificateholder, and is at the duration of the terminated certificate at the time of conversion.

4. No change.

5. a. If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding issuer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

b. If the terminated group policy was issued on an issue age basis and the policy reserves are transferred to the new insurer, the new group certificates shall retain the original issue ages of the insureds and shall commence at the same duration as the terminated certificates.

6. If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this paragraph.

7. If an individual Medicare supplement policy/certificate is issued to replace an existing issue age rated policy/certificate of the same insurer, the replacing policy shall be issued at the

original issue age of the policyholder/certificateholder, and is at the duration of the terminated policy/certificate at the time of replacement.

(f) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(g) 1. through 3. No change.

4. Reinstitution of such coverages as described in subparagraphs 2. and 3.:

a. No change.

b. Shall provide for resumption of coverage that which is substantially equivalent to coverage in effect before the date of such suspension. ~~;~~ If the suspended Medicare supplement policy provided coverage for outpatient prescription drugs, reinstatement of the policy of Medicare Part D enrollees shall be without coverage for outpatient prescription drugs and shall otherwise provide substantially equivalent coverage to the coverage in effect before the date of suspension; and

c. No change.

(2) Standards for Basic ("Core") Benefits Common to All Benefit Plans A-J. Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic "core" package, but not in lieu thereof.

(a) through (b) No change.

(c) Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate. ~~Diagnostic Related Group (DRG) day outlier per diem~~ or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance.

(d) through (e) No change.

(3) Standards for Additional Benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" (B) through "J" (J) only as provided by Rule 69O-156.008, F.A.C.

(a) through (e) No change.

(f) Basic Outpatient Prescription Drug Benefit: Coverage for fifty percent (50%) of outpatient prescription drug charges, after a two hundred fifty dollar (\$250) calendar year deductible, to a maximum of one thousand two hundred fifty

dollars (\$1,250) in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

(g) Extended Outpatient Prescription Drug Benefit: Coverage for fifty percent (50%) of outpatient prescription drug charges, after a two hundred fifty dollar (\$250) calendar year deductible to a maximum of three thousand dollars (\$3,000) in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

(h) No change.

(i) Preventive Medical Care Benefit: Coverage for the following preventive health services not covered by Medicare:

1. No change.

2. ~~Any one or a combination of the following~~ Preventive screening tests or preventive services, the selection and frequency of which is determined to be considered medically appropriate ~~by the attending physician.:~~

a. ~~Digital rectal examination;~~

b. ~~Dipstick urinalysis for hematuria, bacteriuria and proteinuria;~~

e. ~~Pure tone (air only) hearing screening test, administered or ordered by a physician;~~

d. ~~Serum cholesterol screening (every five (5) years);~~

e. ~~Thyroid function test;~~

f. ~~Diabetes screening.~~

3. ~~Tetanus and Diphtheria booster (every ten (10) years).~~

4. ~~Any other tests or preventive measures determined appropriate by the attending physician.~~

~~3.5.~~ Reimbursement shall be for the actual charges up to one hundred percent (100%) of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of one hundred twenty dollars (\$120) annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

(j) No change.

~~(k) New or Innovative Benefits: An issuer may, with prior approval of the Office, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. Such new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies.~~

(4) Standards for Plans K and L.

(a) Standardized Medicare supplement benefit plan "K" shall consist of the following:

1. Coverage of 100% of the Part A hospital coinsurance amount for each day used from the 61st through the 90th day in any Medicare benefit period;

2. Coverage of 100% of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the 91st through the 150th day in any Medicare benefit period;

3. Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of 100% of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

4. Medicare Part A Deductible: Coverage for 50% of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in Subparagraph 10;

5. Skilled Nursing Facility Care: Coverage for 50% of the coinsurance amount for each day used from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in Subparagraph 10.

6. Hospice Care: coverage for 50% of cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in Subparagraph 10;

7. Coverage for 50%, under Medicare Part A or B, of the reasonable cost of the first three (3) pints of block (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in Subparagraph 10;

8. Except for coverage provided in subparagraph 9 below, coverage for 50% of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible until the out-of-pocket limitation is met as described in subparagraph 10;

9. Coverage of 100% of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible; and

10. Coverage of 100% of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of \$4000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

(b). Standardized Medicare Supplement benefit plan "L" shall consist of the following:

1. The benefits described in subparagraphs (4)(a)1., 2., 3., and 9;

2. The benefit described in subparagraphs (4)(a)4., 5., 6., 7., and 8., but substituting 75% for 50%; and

3. The benefit described in subparagraph (4)(a)10., but substituting \$2000 for \$4000.

Specific Authority 624.308, 627.674(2)(a) FS. Law Implemented 624.307(1), 627.410, 627.674, 627.6741 FS. History—New 1-1-92, Amended 7-26-99, 3-4-01, 3-31-02, Formerly 4-156.007, Amended \_\_\_\_\_.

69O-156.008 Standard Medicare Supplement Benefit Plans.

(1) No change.

(2) No groups, packages or combinations of Medicare supplement benefits other than those listed in this section shall be offered for sale in this state, except as may be permitted in subsection 69O-156.008(7) and Rule 69O-156.030 ~~69O-156.007(3)(k)~~, F.A.C., of this chapter.

(3)(a)1. Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans "A" ~~(A)~~ through "L" ~~(L)~~ as provided ~~adopted~~ in Form OIR-B2-MS (Rev. 11/04), ~~(REV-4/96)~~ "Outline of Medicare Supplement Coverage", and shall conform to the definitions in Rule 69O-156.0034, F.A.C., ~~of this chapter.~~

2. Form OIR-B2-MS (Rev. 11/04), "Outline of Medicare Supplement Coverage", is hereby adopted and incorporated by reference, and is available and may be printed from the Office's website: <http://www.fldfs.com>. Form OIR-B2-MS may be obtained by writing to the Office of Insurance Regulation, Bureau of Life and Health Forms and Rate and Reserve Analysis, 335 Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300.

(b) Each benefit shall be structured in accordance with the format provided in subsections 69O-156.007(2) and (3), or (4), F.A.C., and shall list the benefits in the order shown in this rule. For purposes of this section, "structure, language, and format" means style, arrangement and overall content of a benefit.

(4) No change.

(5) Make-up of benefit plans:

(a) through (h) No change.

(i) Standardized Medicare supplement benefit plan "H" shall consist of only the following: The Core Benefit as defined in subsection 69O-156.007(2), F.A.C., of this chapter, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Basic Prescription Drug Benefit and Medically Necessary Emergency Care in a Foreign Country as defined in paragraphs 69O-156.007(3)(a), (b), (f) and (h), F.A.C., respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy issued after December 31, 2005.

(j) Standardized Medicare supplement benefit plan "I" shall consist of only the following: The Core Benefit as defined in subsection 69O-156.007(2), F.A.C., of this regulation, plus

the Medicare Part A Deductible, Skilled Nursing Facility Care, One Hundred Percent (100%) of the Medicare Part B Excess Charges, Basic Prescription Drug Benefit, Medically Necessary Emergency Care in a Foreign Country and At-Home Recovery Benefit as defined in paragraphs 69O-156.007(3)(a), (b), (e), (f), (h) and (j), F.A.C., respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy issued after December 31, 2005.

(k) Standardized Medicare supplement benefit plan "J" shall consist of only the following: The Core Benefit as defined in subsection 69O-156.007(2), F.A.C., of this chapter, plus the Medicare Part A Deductible, Skilled Nursing Facility Care, Medicare Part B Deductible, One Hundred Percent (100%) of the Medicare Part B Excess Charges, Extended Prescription Drug Benefit, Medically Necessary Emergency Care in a Foreign Country, Preventive Medical Care and At-Home Recovery Benefit as defined in paragraphs 69O-156.007(3)(a), (b), (c), (e), (g), (h), (i) and (j), F.A.C., respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy issued after December 31, 2005.

(l) Standardized Medicare supplement benefit high deductible plan "J" shall include only 100% of covered expenses following the payment of the annual high deductible plan "J" deductible.

1. through 2. No change.

3. The annual deductible shall be:

a. through b. No change.

c. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy issued after December 31, 2005.

(6) Make-up of two Medicare supplement plans mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA):

(a) Standardized Medicare supplement benefit plan "K" shall consist of only those benefits described in paragraph 69O-156.007(4)(a), F.A.C.

(b) Standardized Medicare supplement benefit plan "L" shall consist of only those benefits described in paragraph 69O-156.007(4)(b), F.A.C.

(7) New or Innovative Benefits: An issuer may, with the prior approval of the commissioner, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies. After December 31, 2005, the innovative benefit shall not include an outpatient prescription drug benefit.

Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.674, 627.6741 FS. History--New 1-1-92, Amended 12-17-96, 7-26-99, Formerly 4-156.008, Amended

69O-156.0095 Guaranteed Issue for Eligible Persons.

(1) Guaranteed Issue.

(a) Eligible persons are those individuals described in subsection (2) who:

1. Seek to enroll under the policy during the period specified in subsection (3); and

2. Submit evidence of the date of termination, ~~or disenrollment,~~ or Medicare Part D enrollment with the application for a Medicare supplement policy.

(b) No change.

(2) Eligible Persons. An eligible person is an individual described in any of the following paragraphs:

(a) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare, which plan terminates or ceases to provide at least the minimum benefits as provided under a Medicare supplement plan "A" as defined in subsection 69O-156.008(1), F.A.C., of the supplemental health benefits to the individual;

(b) The individual is enrolled with a Medicare Advantage ~~+Choice~~ organization under a Medicare Advantage ~~+Choice~~ plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare Advantage ~~+Choice~~ plan:

1. The certification of the organization or plan under this part has been terminated; ~~or~~

2. through 5. No change.

(c) through (d) No change.

(e)1. The individual was enrolled under a Medicare supplement policy and terminated enrollment and subsequently enrolled, for the first time, with:

a. Any Medicare Advantage ~~+Choice~~ organization under Medicare Advantage ~~+Choice~~ plan under part C of Medicare;

b. through d. No change.

2. No change.

(f) The individual, upon first becoming eligible for benefits under Part A of Medicare at age 65, enrolls in a Medicare Advantage ~~+Choice~~ plan under Part C of Medicare, or with a PACE program provider under Section 1894 of the Social Security Act, and disenrolls from the plan or program by not later than twelve (12) months after the effective date of enrollment.

(g) The individual enrolls in a Medicare Part D plan during the initial enrollment period, and at the time of enrollment in Part D, was enrolled under a Medicare supplement policy that covers outpatient prescription drugs and the individual terminates enrollment in the Medicare supplement policy and submits evidence of enrollment in Medicare Part D along with the application for a policy described in paragraph (5)(d).

(3) Guaranteed Issue Time Periods.

(a) In the case of an individual described in paragraph (2)(a), the guaranteed issue period:

1. No change.

2. Ends sixty-three (63) days thereafter ~~the date of the applicable notice.~~

(b) through (c) No change.

(d) In the case of an individual described in paragraph (2)(b), subparagraph (d)2. or 3., or paragraph (2)(e) or (f) who disenrolls voluntarily, the guaranteed issue period begins on the date that is sixty (60) days before the effective date of the disenrollment and ends on the date that is sixty-three (63) days after the effective date; ~~and~~

(e) In the case of an individual described in paragraph (2)(g), the guaranteed issue period begins on the date the individual receives notice pursuant to Section 1882(v)(2)(B) of the Social Security Act from the Medicare supplement issuer during the sixty day period immediately preceding the initial Part D enrollment period and ends on the date that is sixty-three (63) days after the effective date of the individual's coverage under Medicare Part D; and

~~(f)~~(e) In the case of an individual described in subsection (2) but not described in the preceding provisions of this subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is sixty-three (63) days after the effective date.

(4) No change.

(5) Products to Which Eligible Persons Are Entitled. The Medicare supplement policy to which eligible persons are entitled under:

(a) Paragraphs 69O-156.0095(2)(a), (b), (c) and (d), F.A.C., is a Medicare supplement policy which has a benefit package classified as plan A, B, C, ~~or~~ F (including F with a high deductible), K, or L offered by any issuer.

(b)1. Subject to subparagraph 2., Paragraph 69O-156.0095(2)(e), F.A.C., is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in paragraph (3)(a);-

2. After December 31, 2005, if the individual was most recently enrolled in a Medicare supplement policy with an outpatient prescription drug benefit, a Medicare supplement policy described in this subparagraph is:

a. The policy available from the same issuer but modified to remove outpatient prescription drug coverage; or

b. At the election of the policyholder, an A, B, C, F (including F with a high deductible), K or L policy that is offered by any issuer;

(c) No change.

(d) Paragraph 69O-156.0095(2)(g), F.A.C. is a Medicare supplement policy that has a benefit package classified as Plan A, B, C, F (including F with a high deductible), K or L, and that is offered and is available for issuance to new enrollees by the same issuer that issued the individual's Medicare supplement policy with outpatient prescription drug coverage.

(6) No change.

Specific Authority 624.308, 627.674(2), 627.6741(5) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 7-26-99, Amended 3-4-01, 3-31-02, Formerly 4-156.0095, Amended

69O-156.011 Loss Ratio Standards and Refund or Credit of Premium.

(1) Loss Ratio Standards.

(a) through 1. No change.

2. For individual policies issued or renewed prior to July 1, 1989, at least 60% of the aggregate amount of premiums earned, and for individual policies issued on or after July 1, 1989, at least sixty-five percent (65%) of the aggregate amount of premiums earned, calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for such period and in accordance with accepted actuarial principles and practices. Policies and certificates which were marketed and ~~issued~~ issued as Medicare Supplement policies and which have been redefined as limited benefit policies shall have the same loss ratio requirements as if they were still defined as Medicare Supplement policies. Incurred health care expenses where coverage is provided by a health maintenance organization shall not include:

a. Home office and overhead costs;

b. Advertising costs;

c. Commissions and other acquisition costs;

d. Taxes;

e. Capital costs;

f. Administrative costs; and

g. Claims processing costs.

(b) All filings of rates and rating schedules shall demonstrate that projected ~~expected~~ claims in relation to premiums comply with the requirements of this rule when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future lifetime can be expected to meet the appropriate loss ratio standards.

(c) No change.

(d) For individual policies issued prior to April 25, 1996, all filings of rates, rating schedules or rate revisions shall demonstrate that the future projected ~~expected~~ claims in relation to premiums shall meet the 65% loss ratio standard:

1. through 2. No change.

(e) For the purposes of this rule, the term “pre-standardized business” shall include:

1. No change.

2. All policies and certificates which were marketed and ~~issued~~ ~~sold~~ as Medicare Supplement policies, and which have been redefined as limited benefit policies.

(f) No change.

(2) Refund or Credit Calculation.

(a)1. An issuer shall collect the data necessary, and file with the Office each year by May 31, the refund or credit calculation information. This filing shall include:

a. No change.

b. The following forms for each type in a standard Medicare supplement benefit plan, and each type of pre-standardized business:

(I)(A) “Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Individual Policies” Form OIR-B2-MSB-I (~~7/02~~), for individual business, completed in compliance with the instructions for the form; or

(B) “Reporting Form for the Calculation of the Benchmark Loss Ratio Since Inception for Group Policies” Form OIR-B2-MSB-G (~~7/02~~), for group business, completed in compliance with the instructions for the form; and

(II) The “Medicare Supplement Refund Calculation Form”, Form OIR-B2-MSR, completed in compliance with the instructions for the form.

2. Forms OIR-B2-MSB-I (Rev. 7/02), OIR-B2-MSB-G (Rev. 7/02), and OIR-B2-MSR (Rev. 7/02) are hereby adopted and incorporated by reference. Copies of forms are available and may be printed from the Office’s website: <http://www.fldfs.com/>. and may be obtained by writing to the Office of Insurance Regulation, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-0328.

3.a. Filings shall be submitted electronically to <https://portal.fldfs.com>. Filings shall be mailed to: Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, Post Office Box 8040, Tallahassee, FL 32301-8040, or submitted electronically to <https://portal.fldfs.com>.

~~b. All filings sent to the Office by Federal Express or any other form of special delivery shall be delivered to: Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, First Floor, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0328.~~

~~e. Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://portal.fldfs.com>, or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(e), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

~~(b) through (c) No change.~~

(3) Annual Filing of Premium Rates.

(a)1. An issuer of Medicare supplement policies and certificates issued before or after January 1, 1992 shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the Department in accordance with Section 627.410, F.S.

2. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude the change in active life reserves as a component of incurred claims or earned premiums. ~~An projected ~~expected~~ third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three (3) years.~~

(b) As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this State shall file with the Department, in accordance with the applicable filing procedures of this State:

1.a. No change.

b. An issuer shall make such premium adjustments as are necessary to produce ~~an projected ~~expected~~ loss ratio~~ under such policy or certificate as will conform with minimum loss ratio standards for Medicare supplement policies and which are projected ~~expected~~ to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for such Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date.

2. No change.

(c) No change.

(4) No change.

Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 1-1-92, Amended 7-14-96, 12-17-96, 7-26-99, 3-4-01, 12-9-02, 6-19-03, Formerly 4-156.011, Amended \_\_\_\_\_.

69O-156.012 Filing and Approval of Policies and Certificates and Premium Rates.

(1) An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this State unless the policy form or certificate form has been filed with and approved by the Office including any riders or amendments to policy or certificate forms to delete outpatient prescription drug benefits as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, in accordance with Sections 627.410, 627.411, 627.674, F.S.

(2) through (5) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.674 FS. History—New 1-1-92, Amended 7-14-96, 3-4-01, Formerly 4-156.012, Amended.

69O-156.014 Required Disclosure Provisions.

(1) General Rules.

(a) through (f) No change.

(g) Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis, to a person(s) eligible for Medicare shall provide to those applicants a Guide to Health Insurance for People with Medicare ~~Guide to Health Insurance for People with Medicare~~ in the form developed jointly by the National Association of Insurance Commissioners and Centers for Medicare and Medicaid Services (CMS) the Health Care Financing Administration and in a type size no smaller than 12 point type. Delivery of the Guide ~~Guide~~ shall be made whether or not such policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this regulation. Except in the case of direct response issuers, delivery of the Guide ~~Guide~~ shall be made to the applicant at the time of application and acknowledgment of receipt of the Guide ~~Guide~~ shall be obtained by the issuer. Direct response issuers shall deliver the Guide ~~Guide~~ to the applicant upon request but not later than at the time the policy is delivered. For the purposes of this section, “form” means the language, format, type size, type proportional spacing, bold character, and line spacing.

(2) No change.

(3) MMA Notice Requirements. Issuers shall comply with any notice requirements of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

~~(4)(3)~~ Outline of Coverage Requirements for Medicare Supplement Policies.

(a) through (b) No change.

(c) The outline of coverage shall be in the language prescribed in Form OIR-B2-MSC ~~(3/99)~~ and formatted in no less than twelve (12) point type. All plans A-LJ shall be shown on the cover page, and the plan(s) that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently

displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

(d) Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts in Form OIR-B2-MSC ~~(10/94)~~. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts pursuant to subsection 69O-156.008(4), F.A.C., of this chapter.

(e) No change.

(f) Notice Regarding Policies or Certificates Which Are Not Medicare Supplement Policies.

1. No change.

2. Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in ~~subparagraph subsection~~ (f)1. shall disclose, using the applicable statement in Appendix A, “Disclosure Statements” and instructions (11/04), which is hereby adopted and incorporated by reference and is available on the Office’s website: <http://www.fldfs.com>, form of “Disclosure Statement” Form OIR-1190 (A-J) (REV. 6/96) in the extent to which the policy duplicates Medicare. The ~~disclosure statement~~ shall be provided as a part of, or together with, the application for the policy or certificate. Insurers insert the references to outpatient prescription drugs and Serving Health Insurance Needs of Elders (SHINE) included in the Disclosure Statements for use with applications taken after December 31, 2005. The “Disclosure Statement” is hereby adopted and incorporated by reference. ~~A copy of the form may be obtained by writing to the Office of Insurance Regulation, Bureau of Life and Health Forms and Rate and Reserve Analysis, 200 East Gaines Street, Tallahassee, Florida 32399-0300.~~

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.674 FS. History—New 1-1-81, Formerly 4-51.06, Amended 9-4-89, 3-13-90, 12-9-90, Formerly 4-51.006, Amended 1-1-92, 7-14-96, 12-17-96, 7-26-99, Formerly 4-156.014, Amended.

69O-156.015 Requirements for Application Forms and Replacement Coverage.

(1) Application forms shall include the following statements and the following questions designed to elicit information as to whether, as of the date of the application, the applicant currently has another Medicare supplement, or Medicare Advantage, Medicaid coverage, or another health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by applicant and agent containing such questions and statements may be used.



[Statements]

(a) through (c) No change.

(d) If after purchasing this policy, you become eligible for Medicaid, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstated if requested within 90 days of losing Medicaid eligibility. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstated policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

(e) If you are eligible for, and have enrolled in a Medicare supplement policy by reason of disability and you later become covered by an employer or union-based group health plan, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, while you are covered under the employer or union-based group health plan. If you suspend your Medicare supplement policy under these circumstances, and later lose your employer or union-based group health plan, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstated if requested within 90 days of losing your employer or union-based group health plan. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstated policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

(f)(e) Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

[Questions]

If you lost or are losing other health insurance coverage and received a notice from your prior insurer saying you were eligible for guaranteed issue of a Medicare supplement insurance policy, or that you had certain rights to buy such a policy you may be guaranteed acceptance in one or more of our Medicare supplement plans. Please include a copy of the notice from your prior insurer with our application. PLEASE ANSWER ALL QUESTIONS.

[Please mark Yes or No below with an "X"]  
To the best of your knowledge,

(1) (a) Did you turn age 65 in the last 6 months?

Yes \_\_\_ No \_\_\_

(b) Did you enroll in Medicare Part B in the last 6 months?

Yes \_\_\_ No \_\_\_

(c) If yes, what is the effective date? \_\_\_\_\_

(2) Are you covered for medical assistance through the state Medicaid program?

Yes \_\_\_ No \_\_\_

[NOTE TO APPLICANT: If you are participating in a "Spend-Down Program" and have not met your "Share of Cost", please answer NO to this question.]

If yes,

(a) Will Medicaid pay your premiums for this Medicare supplement policy?

Yes \_\_\_ No \_\_\_

(b) Do you receive any benefits from Medicaid OTHER THAN payments toward your Medicare Part B premium?

Yes \_\_\_ No \_\_\_

(3)(a) If you had coverage from any Medicare plan other than original Medicare within the past 63 days (for example, a Medicare Advantage plan, or a Medicare HMO or PPO) fill in your start and end dates below. If you are still covered under this plan, leave "END" blank.

START / / / END / / /

(b) If you are still covered under the Medicare plan, do you intend to replace your current coverage with this new Medicare supplement policy?

Yes \_\_\_ No \_\_\_

(c) Was this your first time in this type of Medicare plan?

Yes \_\_\_ No \_\_\_

(d) Did you drop a Medicare supplement plan to enroll in the Medicare plan?

Yes \_\_\_ No \_\_\_

(4)(a) Do you have another Medicare supplement policy in force?

Yes \_\_\_ No \_\_\_

(b) If so, with what company, and what plan do you have [optional for Direct Mailers]? \_\_\_\_\_

(c) If so, do you intend to replace your current Medicare supplement policy with this policy?

Yes \_\_\_ No \_\_\_

(5) Have you had coverage under any other health insurance within the past 63 days? (for example, an employer, union, or individual plan)

Yes \_\_\_ No \_\_\_

(a) If so, with what company and what kind of policy?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) What are your dates of coverage under the other policy?

START / / / END / / /

(If you are still covered under the other policy, leave "END" blank.)

To the best of your knowledge,

~~(a) Do you have another Medicare supplement policy or certificate in force?~~

~~1. If so, with which company?~~

~~2. If so, do you intend to replace your current Medicare supplement policy with this policy [certificate]?~~

~~(b) Do you have any other health insurance coverage that provides benefits similar to this Medicare supplement policy?~~

~~1. If so, with which company?~~

~~2. What kind of policy?~~

~~(c) Are you covered for medical assistance through the state Medicaid program?~~

~~1. As a Specified Low Income Medicare Beneficiary (SLMB)?~~

~~2. As a Qualified Medicare Beneficiary (QMB)?~~

~~3. For other Medicaid medical benefits?~~

(2) Agents shall list any other health insurance policies they have issued ~~sold~~ to the applicant.

(a) List policies issued ~~sold~~ which are still in force.

(b) List policies issued ~~sold~~ in the past five (5) years which are no longer in force.

(3) No change.

(4) Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One copy of the notice signed by the applicant and the agent, except where the coverage is issued ~~sold~~ without an agent, shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement coverage.

(5) The notice required by subsection 690-156.015(4), F.A.C., above for an issuer shall be provided in substantially the following form in no less than twelve (12) point type:

NOTICE TO APPLICANT REGARDING REPLACEMENT OF MEDICARE SUPPLEMENT INSURANCE OR MEDICARE ADVANTAGE

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to terminate existing Medicare supplement or Medicare Advantage insurance and replace it with a policy to be issued by [Company Name] Insurance Company. Your new policy will provide thirty (30) days within which you may decide without cost whether you desire to keep the policy. You should review this new coverage carefully.

Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement or Medicare Advantage coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

STATEMENT TO APPLICANT BY ISSUER, AGENT [BROKER OR OTHER REPRESENTATIVE]:

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement or, if applicable, Medicare Advantage coverage because you intend to terminate your existing Medicare supplement coverage or leave your Medicare Advantage Plan. The replacement policy is being purchased for the following reason(s) (check one):

Additional benefits.

No change in benefits, but lower premiums.

Fewer benefits and lower premiums.

My plan has outpatient prescription drug coverage and I am enrolling in Part D.

Disenrollment from a Medicare Advantage plan. Please explain reason for disenrollment. [optional for Direct Mailers].

Other. (please specify) \_\_\_\_\_

1. Note: If the issuer of the Medicare supplement policy being applied for does not impose pre-existing condition limitations, or is prohibited from imposing pre-existing condition limitations, please skip to statement 2 below. Health conditions which you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. through 3. No change.

(6) through (7) No change.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.674 FS. History--New 1-1-81, Formerly 4-51.07, Amended 9-4-89, 12-9-90, Formerly 4-51.007, Amended 1-1-92, 7-14-96, Formerly 4-156.015, Amended \_\_\_\_\_.

690-156.017 Appropriateness of Recommended Purchase and Excessive Insurance.

(1) No change.

(2) Any sale of Medicare supplement policy or certificate coverage that will provide an individual with more than one Medicare supplement policy or certificate is prohibited.

(3) An issuer shall not issue a Medicare supplement policy or certificate to an individual enrolled in Medicare Part C unless the effective date of the coverage is after the termination date of the individual's Part C coverage.

Specific Authority 627.674 FS. Law Implemented 627.6744 FS. History--New 12-9-90, Formerly 4-51.019, Amended 1-1-92, Formerly 4-156.017, Amended \_\_\_\_\_.

690-156.018 Reporting of Multiple Policies.

(1) through (2) No change.

(3) If applicable to any resident, the information Such report shall be filed with on Form OIR-509 (9/90), "Form For Reporting Multiple Medicare Supplement Policies", or in another format acceptable to the Department. Form OIR-509 is hereby adopted and incorporated by reference. Form OIR-509 may be obtained by writing to the Office of Insurance Regulation, Division of Insurer Services, Bureau of Attn: Market Investigations Life and Health Forms and Rate and Reserve Analysis, 200 East Gaines Street, Tallahassee, Florida 32399-42100300.

Specific Authority 627.674 FS. Law Implemented 627.6737 FS. History--New 12-9-90, Formerly 4-51.020, Amended 1-1-92, Formerly 4-156.018, Amended \_\_\_\_\_.

690-156.030 Medicare Select.

(1) through (4) No change.

(5) A Medicare Select issuer shall file with the Office of Insurance Regulation, Attn.: Life and Health Product Review, 200 East Gaines Street, Tallahassee, Florida 32399-0328, a proposed plan of operation which with the Office using the format in Form OIR 1014, "Plan of Operation/Medicare Select," rev. 5/92, which is hereby adopted and incorporated by reference. The plan of operation shall contain at least the following information:

(a) through (g) No change.

(6) through (8) No change.

(9) A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions, and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following:

(a) through (b) No change.

(c) A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized. Except to the extent specified in the policy or certificate, expenses incurred when using out-of-network providers do not count toward the out-of-pocket annual limit contained in plans K and L.

(d) through (g) No change.

(10) No change.

(11) A Medicare Select issuer shall have and shall use procedures for hearing complaints and resolving written grievances from the subscribers. Such procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures.

(a) through (e) No change.

(f) The issuer shall report no later than each March 31 to the Office of Insurance Regulation, Market Investigation, 200 East Gaines Street, Tallahassee, Florida 32399-4210, any grievances that have occurred during the preceding calendar year. The report shall identify each grievance filed and provide a summary of the subject, nature and resolution of the grievance, regarding its grievance procedures. The report shall be in a format prescribed by the Office and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of such grievances. The grievance procedure shall be established as provided in Form OIR 1013, "Medicare Select Grievance Procedure," rev. 5/92, which is hereby adopted and incorporated by reference.

(12) No change.

(13)(a) No change.

(b) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this paragraph, a significant benefit means coverage for the Medicare Part A deductible; coverage for prescription drugs; coverage for at-home recovery services; or of coverage for Part B excess charges.

(14)(a) through (b) No change.

(c) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services or coverage for Part B excess charges.

(15) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.671-627.675 FS. History--New 7-1-92, Formerly 4-156.030, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2005



(c) Use of Insurer’s Own Methodology. When the insurer is able to demonstrate that the standard methodologies result in an unreasonable rate of return for its book of business, it may use its own methodologies (and its own data used for estimating model parameters) pursuant to subsection (10) of this rule. The Office will evaluate the result from this approach in accordance with subsection (10).

(4) For use as permitted in subsection (3)(a) of this rule, the Office shall annually establish underwriting profit factors for the sublines identified in subsection (9) of this rule. Such factors shall be derived by using the methodologies described in subsections (5) through (9) of this rule, in conjunction with available and actuarially reasonable industry data. The factors shall be published by informational memorandum and provided to all affected insurers prior to the date their use is required. These factors can be used without further justification by insurers which do not have credible data of their own. Factors distributed for the previous year shall remain in effect until new factors are published. Each insurer shall determine  $Y_A$ , the expected investment income yield on invested assets representing unearned premium and loss reserves. The expected investment income yield,  $Y_A$ , shall be calculated using the quantities and formula below:

$$Y_A = Y_n W_n + Y_o W_o$$

Where:

$Y_n$  = Expected investment income yield on assets newly invested or reinvested during the time the new rates are expected to be in effect.

$Y_o$  = Expected investment income yield on assets invested prior to the time the new rates are expected to be in effect.

$W_n$  = Proportion of assets, held during the time the new rates are expected to be in effect, that is expected to be newly invested or reinvested.

$$W_o = 1 - W_n$$

The above expected investment income yield,  $Y_A$ , shall be used for purposes of this rule unless evidence is presented that this quantity is not the investment income yield reasonably expected by the insurer.

(5) The standard methodology for selecting a loss payment pattern shall be as follows. Each insurer shall determine separately for each subline the expected loss payment pattern associated with insurance written in Florida, using Florida accident year or report year loss payment patterns. Separately for each subline, each insurer shall, using the average date of premium remittance by the insured, determine the discounted value of the expected loss payment pattern determined in subsection (3) using the expected investment income yield,  $Y_A$ , calculated in subsection (4). The undiscounted pattern minus the discounted pattern for each subline is to be expressed as a percent of the expected subline premium that is

associated with the series of loss payments over time. This difference is the investment income opportunity associated with the subline.

(6) The standard methodology for selecting an investment income yield shall be as follows. Each insurer shall determine  $Y_A$ , the expected after-tax investment income yield on invested assets representing unearned premium and loss reserves. The expected after-tax investment income yield,  $Y_A$ , shall be calculated using the quantities and formula below: The investment income opportunities calculated in subsection (5) shall be used as follows to develop the underwriting profit allowance, to be used in rate filings:

$$Y_A = Y_n W_n + Y_o W_o$$

Where:

$Y_n$  = Expected investment income yield on assets newly invested or reinvested during the time the new rates are expected to be in effect.

$Y_o$  = Expected investment income yield on assets invested prior to the time the new rates are expected to be in effect.

$W_n$  = Proportion of assets, held during the time the new rates are expected to be in effect, that is expected to be newly invested or reinvested.

$$W_o = 1 - W_n$$

(a) ~~Select and specify the underwriting profit and contingency factor to be used in rate filings for the property insurance subline with the smallest investment income opportunity as calculated in subsection (5). If an insurer does not write property insurance in Florida, it shall use relevant data for such property insurance subline from areas other than Florida or shall use industry data, as determined by reasonable actuarial judgment. The selected underwriting profit and contingency factor is presumed to give due recognition to property insurance investment income. An underwriting profit and contingency factor greater than the quantity five percent is prima facie evidence of an excessive expected rate of return and unacceptable, unless supporting evidence is presented demonstrating that an underwriting profit and contingency factor included in the filing that is greater than this quantity is necessary for the insurer to earn a reasonable expected rate of return. In such case, the criteria presented in subsection (7) shall be used by the Department of Insurance in evaluating this supporting evidence.~~

(b) ~~Determine the investment income differential between the property insurance subline and any other subline by subtracting the investment income opportunity for the property insurance subline as calculated in subsection (5) from the investment income opportunity for any other subline as calculated in subsection (5).~~

(c) ~~The underwriting profit and contingency factor for any subline other than that specified in paragraph (6)(a) shall be the underwriting profit and contingency factor for the subline from paragraph (6)(a), minus the investment income differential~~

from paragraph (6)(b). An underwriting profit and contingency factor greater than this quantity is prima facie evidence of an excessive YN = Expected investment income yield on assets newly invested or reinvested during the time the new rates are expected to be in effect. YO = Expected investment income yield on assets invested prior to the time the new rates are expected to be in effect. WN = Proportion of assets, held during the time the new rates are expected to be in effect, that is expected to be newly invested or reinvested. WO = 1 - WN expected rate of return and unacceptable, unless supporting evidence is presented demonstrating that an underwriting profit and contingency factor included in the filings that is greater than this quantity is necessary for the insurer to earn a reasonable rate of return. In such cases, the criteria presented in subsection (7) shall be used by the Office in evaluating this supporting evidence.

(7) For any given subline, each insurer shall determine the discounted value of the expected loss payment pattern determined in subsection (5) using the expected investment income yield,  $Y_A$ , calculated in subsection (6). Mathematically speaking,  $d_{PPAPD}$  denotes the resulting discounted value for PPAPD and  $d_{SUBLINE}$  denotes such value for the other subline. An underwriting profit and contingency factor calculated in accordance with this rule is considered to be compatible with a reasonable expected rate of return on net worth. If a determination must be made as to whether an expected rate of return is reasonable, the following criteria shall be used in that determination:

(a) An expected rate of return for Florida business is to be considered reasonable if, when sustained by the insurer for its business during the period for which the rates under scrutiny are in effect, it neither threatens the insurer's solvency nor makes the insurer more attractive to policyholders or investors from a corporate financial perspective than the same insurer would be had this rule not been implemented, all other variables being equal; or

(b) Alternatively, the expected rate of return for Florida business is to be considered reasonable if it is commensurate with the rate of return anticipated for other industries having corresponding risk and it is sufficient to assure confidence in the financial integrity of the insurer so as to maintain its credit and, if a stock insurer, to attract capital, or if a mutual or reciprocal insurer, to accumulate surplus reasonably necessary to support growth in Florida premium volume reasonably expected during the time the rates under scrutiny are in effect.

(8) The discounted values  $d_{PPAPD}$  and  $d_{SUBLINE}$  calculated in subsection (7) of this rule shall be used as follows to develop the underwriting profit allowance for a specified subline: Each insurer filing insurance rates in Florida shall use an underwriting profit and contingency factor for each subline

that is developed in accordance with this rule. The combined profit and contingency factor shall be quantified and stated as a single percentage factor. The entire factor and the component parts of the factors shall be justified by the insurer proposing to use the factor:

(a) Select and specify an appropriate underwriting profit factor for PPAPD. Mathematically,  $u_{PPAPD}$  denotes this value. If an insurer does not write PPAPD in Florida, it shall use relevant data from areas other than Florida or shall use industry data, as determined by reasonable actuarial judgment. A  $u_{PPAPD}$  value greater than five percent is prima facie evidence of an excessive expected rate of return and unacceptable, unless supporting evidence is presented to the contrary.

(b) For a specified subline, adjust the PPAPD underwriting profit factor ( $u_{PPAPD}$ ) from subsection (8)(a) of this rule to reflect differences in underwriting risk between PPAPD and the specified subline. This is to be accomplished by multiplying the value  $u_{PPAPD}$  by the P/S ratio for PPAPD (denoted by  $P/S_{PPAPD}$ ) and then dividing the result by the P/S ratio for the given subline (denoted by  $P/S_{SUBLINE}$ ). The Office's P/S ratios for the various property and casualty sublines are set forth in subsection (9) of this rule. Mathematically, the result of this calculation is:

$$u_{PPAPD} \times P/S_{PPAPD} / P/S_{SUBLINE}$$

(c) Determine the investment income differential (denoted by  $IID_{SUBLINE}$ ) between PPAPD and the specified subline by subtracting the discounted value of loss payments for the specified subline as calculated in subsection (7) of this rule from the discounted value of loss payments for PPAPD as calculated in subsection (7) of this rule, and then dividing the result by the discounted value of loss payments for the specified subline. Mathematically:

$$IID_{SUBLINE} = (d_{PPAPD} - d_{SUBLINE}) / d_{SUBLINE}$$

(d) Determine the investment income offset (denoted  $IIO_{SUBLINE}$ ) between PPAPD and the specified subline by multiplying the investment income differential from subsection (8)(c) of this rule by the permissible loss ratio for the specified subline (denoted by  $PLR_{SUBLINE}$ ). (The permissible loss ratio is the complement of the expense and underwriting profit provision as a percentage of premium. For this purpose,  $u_{PPAPD}$  from subsection (8)(a) of this rule can serve as a reasonable temporary proxy for the underwriting profit provision for the specified subline, since the final such value is not as yet determined.) Mathematically:

$$IIO_{SUBLINE} = IID_{SUBLINE} \times PLR_{SUBLINE}$$

(e) The underwriting profit factor for the specified subline (denoted by  $u_{SUBLINE}$ ) shall be the result from subsection (8)(b) of this rule, minus the investment income offset from subsection (8)(d) of this rule. Mathematically:

$$\begin{aligned} \frac{u_{\text{SUBLINE}}}{P/S_{\text{SUBLINE}}} &= \frac{u_{\text{PPAPD}} \times P/S_{\text{PPAPD}}}{P/S_{\text{SUBLINE}}} - \frac{IIO_{\text{SUBLINE}}}{P/S_{\text{SUBLINE}}} \\ &= \frac{u_{\text{PPAPD}} \times P/S_{\text{PPAPD}}}{P/S_{\text{SUBLINE}}} - \frac{IID_{\text{SUBLINE}} \times \text{PLR}_{\text{SUBLINE}}}{P/S_{\text{SUBLINE}}} \\ &= \frac{u_{\text{PPAPD}} \times P/S_{\text{PPAPD}}}{P/S_{\text{SUBLINE}}} - \frac{(d_{\text{PPAPD}} - d_{\text{SUBLINE}}) / \text{PLR}_{\text{SUBLINE}}}{P/S_{\text{SUBLINE}}} \end{aligned}$$

(9) For purposes of subsection (8) of this rule, the  $\frac{P}{S_{\text{SUBLINE}}}$  ratios for the various property/casualty sublines are shown below. For use as permitted in subsection (3) of this rule, the Office shall annually establish appropriate underwriting profit and contingency factors by annual statement lines or classes subject to this rule. Such factors shall be derived by using available and actuarially reasonable industry data. The factors shall be established by order and provided to all affected insurers prior to the date their use is required. Factors distributed for the previous year shall remain in effect until new factors are published.

| <u>Subline</u>                                   | <u>P/S</u>  |
|--|-------------|
| <u>Allied Lines (Commercial)</u>                 | <u>1.40</u> |
| <u>Allied Lines (Personal)</u>                   | <u>1.40</u> |
| <u>Boiler &amp; Machinery</u>                    | <u>1.40</u> |
| <u>Burglary &amp; Theft</u>                      | <u>1.60</u> |
| <u>Commercial Auto Physical Damage</u>           | <u>1.80</u> |
| <u>Commercial Auto Liability</u>                 | <u>1.60</u> |
| <u>Commercial Multi Peril</u>                    | <u>1.40</u> |
| <u>Credit</u>                                    | <u>1.80</u> |
| <u>Earthquake</u>                                | <u>0.80</u> |
| <u>Farmowners</u>                                | <u>1.40</u> |
| <u>Fidelity</u>                                  | <u>1.40</u> |
| <u>Financial Guaranty</u>                        | <u>1.20</u> |
| <u>Fire (Commercial)</u>                         | <u>1.40</u> |
| <u>Fire (Personal)</u>                           | <u>1.40</u> |
| <u>Homeowners</u>                                | <u>1.40</u> |
| <u>Inland Marine (Commercial)</u>                | <u>1.40</u> |
| <u>Inland Marine (Personal)</u>                  | <u>1.40</u> |
| <u>Medical Malpractice – Claims-Made</u>         | <u>1.00</u> |
| <u>Medical Malpractice – Occurrence</u>          | <u>0.80</u> |
| <u>Mortgage Guaranty</u>                         | <u>1.20</u> |
| <u>Other Liability – Claims-Made</u>             | <u>1.40</u> |
| <u>Other Liability – Occurrence (Commercial)</u> | <u>1.20</u> |
| <u>Other Liability – Occurrence (Personal)</u>   | <u>1.20</u> |
| <u>Private Passenger Auto Physical Damage</u>    | <u>2.00</u> |
| <u>Private Passenger Auto Liability</u>          | <u>1.80</u> |
| <u>Products Liability – Claims-Made</u>          | <u>1.00</u> |
| <u>Products Liability – Occurrence</u>           | <u>0.80</u> |
| <u>Surety</u>                                    | <u>1.40</u> |

(10) A filed underwriting profit factor greater than that determined in subsection (8)(e) of this rule is prima facie evidence of an excessive expected rate of return and unacceptable, unless supporting evidence is presented demonstrating that such greater value is necessary for the

insurer to earn a reasonable rate of return. The following criteria shall be used in determining whether an expected rate of return is reasonable:

(a) An expected rate of return for Florida business is to be considered reasonable if, when sustained by the insurer for its business during the period for which the rates under scrutiny are in effect, it neither threatens the insurer’s solvency nor makes the insurer more attractive to shareholders or investors from a corporate financial perspective than the same insurer would be had this rule not been implemented, all other variables being equal; or

(b) Alternatively, the expected rate of return for Florida business is to be considered reasonable if it is commensurate with the rate of return anticipated for other industries having corresponding risk and it is sufficient to assure confidence in the financial integrity of the insurer so as to maintain its credit and, if a stock insurer, to attract capital, or if a mutual or reciprocal insurer, to accumulate surplus reasonably necessary to support growth in Florida premium volume reasonably expected during the time the rates under scrutiny are in effect.

Specific Authority 624.308(1), 627.062(2)(b)4., 627.0651(2)(d) FS. Law Implemented 624.307(1), 627.062(2)(b)4., 627.0651(2)(d) FS. History—New 4-9-87, Amended 1-30-91, Formerly 4-72.003, 4-170.003, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Frank Dino, Actuary, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2004

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

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR Insurance Regulation**

RULE TITLE: Calculation of Underwriting Profit Factor

RULE NO.:

in Motor Vehicle Insurance Rates 69O-175.001

PURPOSE, EFFECT AND SUMMARY: The purpose of this rule is to recognize the different risk characteristics of different lines of business in determining the underwriting profit factor. The rule is being amended to be responsive to industry issues and comments made concerning the current method of determining these factors. The rule cross references to Rule 69O-170.003, F.A.C.

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), 627.0651(2)(d) FS.  
 LAW IMPLEMENTED: 624.307(1), 627.031(1),(2), 627.0651(1),(2)(d) 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 27, 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: Frank Dino, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-175.001 Calculation of Underwriting Profit Factor and Use of Investment Income in Motor Vehicle Insurance Rates.

(1) This rule shall apply to rates filed or reviewed pursuant to Section 627.0651, F.S.

(2) The purpose of the rule is to specify the manner in which insurers shall calculate underwriting profit investment income attributable to motor vehicle insurance policies written in Florida, to be incorporated within rate filings submitted to the Office and the manner in which such investment income is used in the calculation of insurance rates by the development of an underwriting profit allowance compatible with a reasonable rate of return.

(3) Determination of the underwriting profit factor for motor vehicle insurance shall be as provided in Rule 69O-170.003, F.A.C. As used herein:

(a) Auto insurance means private passenger motor vehicle insurance as defined in Section 627.041(8), F.S.;

(b) Liability subline means the sublines of auto insurance in the aggregate commonly considered to be auto liability insurance;

(c) Physical Damage subline means the sublines of auto insurance in the aggregate commonly considered to be auto physical damage insurance.

(4) Each insurer shall determine the expected patterns of loss payments over time associated with a policy of auto insurance written in Florida. These patterns of loss payments shall be determined separately for the Liability subline of auto insurance and for the Physical Damage subline of auto insurance. The determination shall be made using Florida

accident year or policy year loss payment patterns, and must fairly represent the auto insurance loss transactions of the insurer.

(5) Each insurer shall determine YA, the expected investment income yield on invested assets representing unearned premium and loss reserves. The expected investment income yield, YA, shall be calculated using the quantities and formula below:

$$YA = Y_n W_n + Y_o W_o$$

Where:

Y<sub>n</sub> = Expected investment income yield on assets newly invested or reinvested during the time the new rates are expected to be in effect.

Y<sub>o</sub> = Expected investment income yield on assets invested prior to the time the new rates are expected to be in effect.

W<sub>n</sub> = Proportion of assets, held during the time the new rates are expected to be in effect, that is expected to be newly invested or reinvested.

W<sub>o</sub> = 1 - W<sub>n</sub>

The above expected investment income yield, Ya, shall be used for purposes of this rule unless evidence is presented that this quantity is not the investment income yield reasonably expected by the insurer.

(6) Separately for the Liability subline and the Physical Damage subline, each insurer shall determine the discounted value of the expected loss payment pattern determined in subsection (4) using the expected investment income yield, Ya, calculated in subsection (5). The undiscounted pattern minus the discounted pattern for each subline is to be expressed as a percent of the expected subline premium that is associated with the series of loss payments over time. This difference is the investment income opportunity associated with the subline.

(7) The investment income opportunities calculated in subsection (6) shall be used as follows to develop the underwriting profit allowance, as distinguished from the contingency factor, to be used in rate filings:

(a) Select and specify the underwriting profit allowance to be used in rate filings for the Physical Damage subline. The selected underwriting profit allowance is presumed to give due recognition to Physical Damage investment income. An underwriting profit allowance greater than the quantity five percent minus any contingency factor utilized is prima facie evidence of an excessive expected rate of return and unacceptable, unless supporting evidence is presented demonstrating that an underwriting profit allowance included in the filing that is greater than this quantity is necessary for the insurer to earn a reasonable expected rate of return. In such case, the criteria presented in subsection (8) shall be used by the Department of Financial Services in evaluating this supporting evidence.

(b) Determine the investment income differential between the Physical Damage and Liability sublines by subtracting the investment income opportunity for the Physical Damage



subline as calculated in subsection (6) from the investment income opportunity for the Liability subline as calculated in subsection (6).

(e) The underwriting profit allowance for the Liability subline shall be the underwriting profit allowance for the Physical Damage subline from paragraph (7)(a), minus the investment income differential from paragraph (7)(b), subject to the provisions of paragraph (7)(d).

(d) If the underwriting profit allowance in paragraph (7)(e) is negative, then the insurer may deviate from the underwriting profit allowance in paragraph (7)(e) only to the extent needed to give a positive underwriting profit allowance.

(8) All provisions for contingencies shall be derived utilizing reasonable actuarial techniques, and appropriate supporting material shall be included in the rate filing. Provisions for contingencies greater than 1.5% of premium are prima facie excessive and unreasonable until actuarially supported by clear and convincing evidence. Provisions for contingencies shall be added to the underwriting profit allowance, as determined under subsection (7) of this rule, in order to produce the percentage factor included in the rate filing for profit and contingencies.

(9) An underwriting profit allowance calculated in accordance with this rule is considered to be compatible with a reasonable expected rate of return on net worth plus provisions for contingencies. If a determination must be made as to whether an expected rate of return is reasonable, the following criteria shall be used in that determination:

(a) An expected rate of return for Florida business is to be considered reasonable if, when sustained by the auto insurer for its business during the period for which the rates under scrutiny are in effect, it neither threatens the insurer's solvency nor makes the insurer more attractive to policyholders or investors from a corporate financial perspective than the same insurer would be had this rule not been implemented, all other variables being equal; or

(b) Alternatively, the expected rate of return for Florida business is to be considered reasonable if commensurate with the rate of return anticipated for other industries having corresponding risk and sufficient to assure confidence in the financial integrity of the company so as to maintain its credit and, if a stock insurer, to attract capital, or if a mutual or a reciprocal insurer, to accumulate surplus reasonably necessary to support growth in Florida premium reasonably expected during the time the rates under scrutiny are in effect.

(10) If an insurer writes less than one half (1/2) of one percent of the Florida market for a subline of insurance, calculated by dividing the current premiums written by the preceding year's total premiums written in the state for that subline, then the insurer shall use industry data for purposes of subsection (4) of this rule unless evidence is presented that such use of industry data by the insurer does not produce a

reasonable expected rate of return for the insurer. The Office of Insurance Regulation shall provide industry data to such an insurer.

(11) Patterns of loss payments for the insurance coverage components of the sublines of auto insurance specified in subsection (4) may be developed if needed to be consistent with an insurer's rating practice. The loss payment patterns shall be used in subsections (6) and (7) to produce an investment income differential and underwriting profit allowance for the components of the sublines of auto insurance similar to the investment income differential and underwriting profit allowance calculated for the Liability and Physical Damage sublines. For purposes of applying this subsection, when it is deemed necessary to do so, the component with the smallest investment income opportunity as calculated by the subsection (6) method shall be substituted for the Physical Damage subline in applying paragraph (7)(a). The remaining components shall individually be substituted for the Liability subline in applying paragraphs (7)(b) (d) for each such component.

(12) Each insurer filing auto insurance rates in Florida shall use an underwriting profit allowance for each subline that is developed in accordance with this rule.

Specific Authority 624.308(1), 627.0651(2)(d) FS. Law Implemented 624.307(1), 627.031(1),(2), 627.0651(1),(2)(d) FS. History—New 10-1-82, Amended 6-28-84, Formerly 4-57.01, 4-57.001, 4-175.001, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 4, 2004

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

### Section III Notices of Changes, Corrections and Withdrawals

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

**DEPARTMENT OF CITRUS**

|                   |   |
|-------------------|---|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE:                                     |
| 20-15             | Equalization Tax on Non-Florida,<br>United States Juice |
| RULE NOS.:        | RULE TITLES:  |
| 20-15.001         | Intent  |
| 20-15.002         | Definitions   |
| 20-15.003         | Collection  |

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 28, No. 46, November 15, 2002, has been withdrawn.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

|                   |  |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE:                                      |
| 40D-4             | Individual Environmental Resource<br>Permits             |
| RULE NO.:         | RULE TITLE:  |
| 40D-4.091         | Publications and Agreements<br>Incorporated by Reference |

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 9, Pages 862 and 863, on March 4, 2005, in the Florida Administrative Weekly has been withdrawn. The proposed rule would have deleted references to several methods for demonstrating the financial responsibility necessary to conduct certain wetland mitigation activities.

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

|            |  |
|------------|--|
| RULE NO.:  | RULE TITLE:                                |
| 59G-13.030 | Aged and Disabled Adult Waiver<br>Services |

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 6, February 11, 2005, issue of the Florida Administrative Weekly. This change is in response to written comments received prior to the public hearing.

The rule incorporates by reference the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook, March 2004. The following change was made to the handbook.

Page 2-4, Level of Care, third paragraph, we replaced the requirement that a case manager “should submit a new assessment and physician form whenever a reassessment is completed,” with the requirement that, “A revised updated

physician referral form must be completed whenever there is a change in the recipient’s medical, mental or physician condition.”

**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 Hearing Aid Specialists**

|            |             |
|------------|-------------|
| RULE NO.:  | RULE TITLE: |
| 64B6-7.007 | Citations   |

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 4, of the January 28, 2005, issue of the Florida Administrative Weekly. The change is in subsection (3)(d), as this paragraph was published with an incorrect citation. Subsection (3)(d) will now read: Violation of Rule 64B6-6.004, F.A.C. (Certified Testing Room);

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

|                   |  |
|-------------------|--|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE:  |
| 68A-17            | Wildlife and Environmental Areas                                       |
| RULE NO.:         | RULE TITLE:  |
| 68A-17.004        | General Regulations Relating to<br>Wildlife and Environmental<br>Areas |

**NOTICE OF ADDITIONAL CHANGES**

The Fish and Wildlife Conservation Commission announces additional changes to the above-referenced proposed rule amendment, as a result of comments concerning the proposed rule amendment by the staff of the Joint Administrative Procedures Committee. Previous changes were published in Vol. 31, No. 8, February 25, 2005 issue of the Florida Administrative Weekly.

The rule will now read as follows:

68A-17.004 General Regulations Relating to Wildlife and Environmental Areas.

- (1) No change.
- (2) Permits required:
  - (a) through (c) No change.



accordance with the provisions of this rule, and shall have received an acknowledgement code of "Transaction Accepted" (TA)" by the Division within the following deadlines:

- (1) No change.
- (2) No later than thirty days after the issue date of each endorsement to any workers' compensation insurance policy, contract of insurance, or renewal, every insurer shall send the electronic Notice of Endorsement.
- (3) through (8) No change.

69L-56.310 Technical Requirements for Voluntary Claims EDI Transmissions.

(1) Effective June 1, 2005, as a voluntary alternative to paper filing pursuant to Chapter 69L-3, F.A.C., insurers may elect to send electronic transmissions of the First Report of Injury or Illness (Form DFS-F2-DWC-1 as incorporated by reference in Chapter 69L-3, F.A.C.), Claim Cost Report (Form DFS-F2-DWC-13 as incorporated by reference in Chapter 69L-3, F.A.C.), and the Division-approved electronic formats for reporting the employee's 8th day of disability and claim administrator's knowledge of the 8th day of disability required in Chapter 69L-3, F.A.C., to the Division using only the following transmission methods:

- (a) through (b) No change.
- (2) Effective June 1, 2005, voluntary electronic transmissions of the First Report of Injury or Illness (DFS-F2-DWC-1), and the Claim Cost Report (DFS-F2-DWC-13), shall be sent to the Division using the First Report of Injury (FROI) / 148 flat file transaction set, and the Subsequent Report (SROI) / A49 flat file transaction set, described on Pages "4-13" through "4-16" of the IAIABC EDI Implementation Guide for First, Subsequent, Acknowledgement Detail, Header, & Trailer Records, Release 1, February 15, 2002. The claim administrator shall not send transmissions containing files in the ANSI 148 format to the Division on or after June 1, 2005.
- (3)(a) through (c) No change.
- (d) Header records shall include the following information:

- 1. No change.
- 2. Receiver Postal Code for the State of Florida: 323994226 effective June 1, 2005 (Receiver Postal Code 323996085 may be sent through May 31, 2005.)
- 3. No change.
- (4) through (10) No change.

69L-56.330 Electronic Formats for Reporting the Employee's 8th Day of Disability.

If the electronic form equivalent of the DFS-F2-DWC-1, First Report of Injury or Illness, as incorporated by reference in Chapter 69L-3, F.A.C., is voluntarily sent via EDI with Claim Type "L" ("Became Lost Time", a.k.a., Medical Only to Lost Time), the claim administrator shall report the employee's 8th day of disability and the claim administrator's knowledge of

the 8th day of disability at the same time the electronic form equivalent of Form DFS-F2-DWC-1 is required to be sent to the Division as specified in Rule 69L-24.0231, F.A.C, using any of the electronic formats approved by the Division and adopted by reference in this section. The claim administrator shall utilize the electronic format, "Electronic Supplement to the First Report of Injury (DWC-1) Transaction (January 2005)", from the Division's web site at [www.fldfs.com/wc/edi.html](http://www.fldfs.com/wc/edi.html), or the "8th Day of Disability For EDI Submitters" database located at [www.fldfs.com/wc/](http://www.fldfs.com/wc/) to report the employee's 8th day of disability and the claim administrator's knowledge of the 8th day of disability required in Chapter 69L-3, F.A.C. The requirement to report the employee's 8th day of disability and the claim administrator's knowledge of the 8th day of disability via an alternative electronic format shall commence upon the effective date of this rule.

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 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**

**OIR Insurance Regulation**

RULE TITLE: RULE NO.:

Mandatory Hurricane Claims 69OER05-06  
Payment Requirements

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Financial Services Commission and the Office of Insurance Regulation ("Office") hereby state that the following circumstances constitute an immediate danger to the public health, safety, or welfare:

The 2004 hurricane season has been particularly destructive for Florida. Insured losses due to the multiple storms have been estimated to be collectively \$20 billion. Tropical Storm Bonnie caused damage in North Florida. Substantial damage in

southwest and central Florida was caused by Hurricane Charley, which hit the Punta Gorda and Port Charlotte area on August 13, 2004, as a Category 4 Hurricane with sustained winds up to 145 miles per hour. Hurricane Charley crossed northeast through the center of the state exiting near Daytona Beach. In a 10-mile wide path extending from the southwest coast there was widespread major damage to homes, loss of personal belongings and corresponding temporary loss of employment.

Hurricane Frances hit the east coast of Florida on September 4, 2004 as a Category 2 Hurricane, and slowly crossed the peninsula. Hurricane Frances, though less intense than Charley, caused damage over a much wider area of the state.

On September 16, 2004, Hurricane Ivan caused massive damage in the Florida Panhandle. Hurricane Ivan impacted the Gulf Coast as a Category 4 Hurricane with sustained winds up to 130 miles per hour. The eye made land fall just west of the western Florida state line, bringing hurricane force winds to much of the Florida Panhandle. The hurricane also produced tornados that destroyed and damaged structures in the Florida Panhandle. There was extensive damage in the Pensacola area, which was hit by the strong northeast quadrant of the storm as it made landfall.

And finally, Hurricane Jeanne made landfall near Stuart, Florida, the night of September 25, 2004 as a Category 3 Hurricane with sustained winds up to 120 miles per hour. On September 26, 2004, the storm made a path northwest across the state.

The Governor of Florida has issued five orders declaring a state of emergency due to the storms (Executive Orders 04-182, 04-192, 04-206, 04-217, and 05-13). The President of the United States has declared most of Florida a federal disaster area.

Additionally, on November 23, 2004, the Governor of Florida issued Executive Order 04-248, which incorporated by reference all previous orders and supplemental orders issued by the State Coordinating Officer. Also, on December 20, 2004, the State Coordinating Officer, pursuant to Executive Order 04-248, issued a Supplemental Order granting the Office extended authority to issue rules or orders needed to place a moratorium on the cancellation or nonrenewal of homeowners and other types of policies governed by the Insurance Code. In recognition of a continuing state of emergency, the Governor of Florida issued Executive Order 05-13, on January 21, 2005, which incorporated by reference Executive Order 04-248, and all supplemental orders issued by the State Coordinating Officer.

Insurers have reported in excess of 1.4 million property insurance claims as a result of the four hurricanes. A significant number of claims remain unresolved throughout the state and as a result thousands of homes remain un-repaired. Homes continue to be in various stages of disrepair for several months, some to the point at which they cannot meet the

underwriting guidelines for voluntary insurers or even for Citizens Property Insurance Corporation because they are still under construction. Leaving these homeowners without the ability to insure their property poses an immediate threat to public safety and welfare.

Failure to timely settle and pay these claims further delays the insured's ability to repair damaged structures and adversely impacts the economic health and welfare in this state. Accordingly, this rule is necessary to require all insurers to settle and pay outstanding claims within the next 30 days in order to minimize economic damage.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The Financial Services Commission believes that adopting an emergency rule is the fairest method to protect the public because of the nature and extent of the destruction caused by the 2004 Hurricane Season. An Office bulletin addressed to all regulated persons and insurers would reach them, but would not be legally binding. A permanent rule would not have the flexibility and immediacy to protect the public welfare.

In consideration of the emergency conditions currently existing, and given the Office's responsibility to protect the public interest and implement the Insurance Code, an emergency rule is necessary.

**SUMMARY OF THE RULE:** Emergency Rule 69OER05-06, requires all insurers to settle and pay all outstanding hurricane claims no later than April 18, 2005. If they are not settled and paid, the insurer shall report to the Office detailed reasons why each claim has not been settled and paid.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Joanna Mueller, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-4210, (850)413-5275

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

69OER05-06 Mandatory Hurricane Claims Payment Requirements.

All insurers which have outstanding personal residential and commercial residential property claims as the result of Hurricanes Charley, Frances, Ivan, Jeanne or Tropical Storm Bonnie, shall settle and pay all such claims, filed by the policyholder as of December 31, 2004, no later than April 18, 2005. Any claims that have not been settled and paid by that date, shall be reported to Market Investigations, Office of Insurance Regulation, no later than April 28, 2005. The report shall be submitted by email with an attachment of an Excel spreadsheet, to email address 69OER05-06@fldfs.com. The spreadsheet shall contain the emergency rule number in the subject line, the insurance company name, storm name, policyholder name, policy number, claim number, the date the claim was reported, an explanation of why the claim has not been settled and paid, and a company contact name, email address and telephone number. The provisions of this rule shall

not give rise to any civil action and all reports filed by insurers in compliance with this rule shall be provided to the Office as part of an ongoing market conduct investigation.

Specific Authority 120.54(4), 624.308, 626.9611 FS. Law Implemented 624.424, 624.316, 624.318, 626.9541(1)(i), 626.9561, 626.9641 FS. History—New 3-17-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: March 17, 2005

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on January 11, 2005, by Steve Powell of KONE, Inc. regarding Blue Heron Beach Resort (Tower 1) (VW 2005-003), Orlando seeking a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to install a Monospace© Elevator System in the above project.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on January 31, 2005, by William O. Williams III of Otis Elevator regarding St. Vincent's Cancer Center and Garage (VW 2005-007), seeking a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petitions filed on March 2, 2005, by Lee Rigby of Vertical Assessment Associates on behalf of Public Safety Academy Housing (VW 2005-018) and The Metropolitan (VW2005-017), seeking a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b and 212.1, of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room, to use 9.5-mm governor rope metal sheaves and drums lined with nonmetallic groove materials, sheaves with a minimum pitch diameter 40 times the diameter of the rope and to use aramid non-metallic ropes.

A copy of the Orders can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on March 8, 2005, the Bureau of Elevator Safety received an Petition for Emergency Variance from A.S.M.E. 17.1, Part V, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, prohibiting the installation of residential elevators in a public access area. The petition was received from Brint Adams of KONE Inc. on behalf of Verandas Condominiums (VW 2005-024).

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 March 11, 2005, Bureau of Elevator Safety received a Petition for Variance from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b, and 212.1, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Sloppy Joe's Restaurant (Petition VW 2005-025).

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.

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NOTICE IS HEREBY GIVEN that on March 11, 2005, the Bureau of Elevator Safety received a Petition for Emergency Variance from 2001.7a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, prohibiting wheel chair lifts from exceeding 12 feet of travel. The petition was received from Lee Rigby of Vertical Assessment Associates on behalf PGT Industries in Nokomis (VW 2005-026).

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.

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NOTICE IS HEREBY GIVEN that on March 11, 2005, the Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from Robert Gerdt of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: Promenade at Riverwalk Condos, Groups 1, 2 & 3, Elevators 1-3 (Petitions VW 2005-027, 2005-028, and 2005-029).

A copy of the Petitions 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.

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NOTICE IS HEREBY GIVEN that on March 18, 2005, the Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Chapter 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from Kenin Lynes of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Serena Bay Condominium Project (Petition VW 2005-030) in Treasure Island, FL.

A copy of the Petitions 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.

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NOTICE IS HEREBY GIVEN that on March 18, 2005, the Bureau of Elevator Safety received two Petitions for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Chapter 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from Patricia Serley of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: Ariel Dunes Condominium Phase One and Two (Petitions VW 2005-031 and VW2005-032) in Destin, FL.

A copy of the Petitions 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.

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The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 21, 2004, by Lee Rigby of Vertical Assessment Associates on behalf of Ocean Vista (VW2004-160), seeking a waiver from Rules 100.3a, 101.6, 206.5a, 208.2a, 208.2b and 212.1, of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room, to use 9.5-mm governor rope metal sheaves and drums lined with nonmetallic groove materials, sheaves with a minimum pitch diameter 40 times the diameter of the rope and to use aramid non-metallic ropes.

A copy of the Orders can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 27, 2004, by Steve Powell of KONE, Inc. regarding Phillippe Landings, Sarasota (VW 2004-162), seeking a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to install a Monospace© Elevator System in the above project.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it has Issued an Order Granting Variance Request in response to a petition filed on December 27, 2004, by Steve Powell of KONE, Inc. regarding Sleep Inn & Suites, Lakeland, seeking a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to install a Monospace© Elevator System in the above project.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on March 7, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), F.A.C., from Local Hero's Café located in Saint Augustine. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to have a seating capacity of 20 with only one accessible bathroom facility accessible to customers and guests.

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 March 17, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Lily's Catering. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Massage Therapy hereby gives notice that it has received a petition filed on March 8, 2005, by Jennifer Blaufox, a licensed massage therapist, seeking a waiver from subsection 64B7-31.001(2), F.A.C., and the colonic irrigation education requirements provided for in the rule, that are a pre-condition to examination for licensed massage therapist certification to practice colonic irrigation in Florida. Comments on this petition should be filed with Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, within 14 days of publication of this notice.

For a copy of the petition, contact: Pamela E. King, Executive Director, Board of Massage Therapy, at the above address.

The Board of Medicine hereby gives notice that it has received a petition filed on March 9, 2005, by Rozales Swanson, M.D., seeking a waiver from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for passage of the USMLE. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Psychology hereby gives notice that it has received a petition, filed on March 15, 2005, by Robin E. O'Hearn, Ph.D., seeking a variance or waiver of subparagraph 64B19-11.005(2)(c)1., F.A.C., allowing hours spent in excess of the time limits established by rule, to be counted toward the post-doctoral experience requirements for licensure.

Comments on this petition should be filed with the Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact Kaye Howerton, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373, Ext. 3480.



The Department of Health hereby gives notice of the issuance of an Order regarding the Petition for Waiver filed by Greg Duggar (Petitioner). The Notice of Petition for Waiver was filed with the Department July 9, 2004. The Petitioner sought a permanent waiver from subsections 64E-15.004(5) and 64E-15.005(2), F.A.C., which requires each RV Park to have a sanitary dump station and toilets, showers, urinals and hand washing fixtures. The Department's Order, filed on March 11, 2005, grants the Petition, finding that a waiver is warranted on the basis that the underlying purpose of the statutes, as implemented by subsections 64E-15.004(5) and 64E-15.005(2), F.A.C., has been met in that Mr. Duggar will so restrict traffic in this park as to only allow self contained recreational vehicles rather than experience the financial hardship of installing a sanitary dump station and the toilets, urinals, showers and handwash fixtures.

A copy of the Department's Order may be obtained by contacting: Lucy Schneider, Department of Health, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703.

## Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Division of Bond Finance
- Financial Services Commission:
  - Office of Insurance Regulation
  - Office of Financial Regulation
- Financial Management Information Board
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

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

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter

636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as aquacultural issues as presented by the Division of Aquaculture in the Department of Agriculture and Consumer Services mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, conservation and preservation lands and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters pertaining to the Office of Greenways and Trails for lands acquired through the Greenways and Trails land acquisition program and lands managed by the Office of Greenways and Trails. The Department of Environmental Protection, as staff to the Board of Trustees of the Internal Improvement Trust Fund in addition to the above, will also present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/index.html> or by contacting each individual agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee,

Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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#### DEPARTMENT OF STATE

The **Department of State**, Friends of Mission San Luis, Inc. announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, April 4, 2005, 12:00 Noon

**PLACE:** Mission San Luis, Moore House, 2021 West Mission Road, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Business to be discussed will include endowment campaign and other board business.

If you have questions or would like a copy of the agenda, please feel free to contact: Ms. Elyse Cornelison, (850)487-3655.

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The **Department of State, Division of Cultural Affairs** announces a grant writing workshop for individual artists, to which all persons are invited. This meeting is subject to cancellation, please call to confirm the meeting date and time.

Boca Raton

**DATE AND TIME:** April 20, 2005, 6:30 a.m. – 8:00 p.m.

**PLACE:** Florida Atlantic University, Schmidt School of Arts and Letters, Building SO 250, 777 Glades Road, Boca Raton, FL, (561)471-1513

The Department of State, Division of Cultural Affairs, also announces grant writing workshops for the Cultural Facilities Grant Program, to which all persons are invited. These meetings are subject to cancellation, please call to confirm the meeting dates and times.

Miramar

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

**PLACE:** New City Hall, 2300 Civic Center Place, Miramar, FL, (954)474-2421

Jacksonville

**DATE AND TIME:** April 14, 2005, 10:00 a.m. – noon

**PLACE:** Cummer Museum of Art and Gardens, 829 Riverside Avenue, Jacksonville, FL, (904)899-6034

St. Petersburg

**DATE AND TIME:** April 19, 2005, 10:00 a.m. – 12:00 Noon

**PLACE:** The St. Petersburg Times Community Room, 490 1st Avenue, South, St. Petersburg, FL, (727)453-7860

Orlando

**DATE AND TIME:** April 21, 2005, 2:00 p.m. – 4:00 p.m.

**PLACE:** Orange County Administration Building, 201 South Rosalind Avenue, Orlando, FL, (407)836-5540

For more information regarding the grant writing workshops, contact: Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301, (850)245-6356.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by no later than one week prior to the workshop to request accommodations. 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](mailto:ddemartino@dos.state.fl.us).

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#### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold telephone conference calls to which all interested persons are invited to participate.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

Please call (850)414-3300 for instructions on participation.

COMMITTEE: NACW Convention Committee

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

COMMITTEE: Legislative Advocacy Committee

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

COMMITTEE: Awards and Rec. Committee

DATE AND TIME: April 12, 2005, 11:00 a.m.

COMMITTEE: Annual Report Committee

DATE AND TIME: April 13, 2005, 10:00 a.m.

COMMITTEE: Fin. and Budget Committee

DATE AND TIME: April 14, 2005, 10:00 a.m.

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.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

DATE AND TIME: Thursday, April 14, 2005, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call: Sonia Baquero, (305)401-1502.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Agricultural Advisory Council.

General Meeting

DATE AND TIME: Monday, April 11, 2005, 1:00 p.m.

PLACE: Department of Agriculture and Consumer Services, Laboratory Complex (Doyle Conner Center), George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council and to elect a Chairperson.

For more information about meeting, for a copy of the agenda, or if special accommodations are needed to attend this meeting because of a disability please contact: Richard Gunnels, Plaza Level 10, The Capitol, Tallahassee, Florida 32399-0810, (850)488-3022.

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The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off-Highway Vehicle Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Tuesday, April 26, 2005, 1:00 p.m. – 7:00 p.m.

PLACE: International Game Fish Association Hall of Fame and Museum (IGFA), 300 Gulf Stream Way, Dania Beach, Florida 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: Chris Reed, 8392 Croom Rital Road, Brooksville, FL 34602, (352)544-5136.

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#### DEPARTMENT OF EDUCATION

The Florida **School for the Deaf and the Blind**, Board of Trustees, Endowment Investment Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 22, 2005, 4:00 p.m.

PLACE: FSDB Campus, Walker Hall, Board Room, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The **Florida School for the Deaf and the Blind**, Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, April 23, 2005, 9:00 a.m.

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The public is invited to a meeting of the Florida **Board of Governors**.

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

PLACE: By Telephone Conference Call, 1505 Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of matters of interest to the Board of Governors being discussed by the 2005 Florida Legislature; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Commissioner 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 Rehabilitation Council for the Blind** announces the following Public Forum to which all interested individuals are invited to attend.

DATE AND TIME: Thursday, April 21, 2005, 4:00 p.m. – 6:00 p.m.

PLACE: Florida School for the Deaf and Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

CONTACT: Phyllis Dill, The Division of Blind Services, 7201 North 9th Avenue, Suite A-11, Pensacola, FL. 32504, (850)484-5030 or through the Florida Telephone Relay System 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

The **Florida Rehabilitation Council for the Blind, Division of Blind Services** announces the following meeting:

DATES AND TIMES: April 22, 2005, 8:30 a.m. – 5:00 p.m.; April 23, 2005, 8:30 a.m. – 12:00 Noon

PLACE: Florida School for the Deaf and Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the council.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 7201 N. 9th Avenue, Suite A-11, Pensacola, FL 32504, (850)484-5030, Florida Telephone Relay System, 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

The **Florida Rehabilitation Council** announces the following meetings:

MEETING: Coordination Committee

DATE AND TIME: May 10, 2005, 12:00 Noon – 5:00 p.m.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862 (NOTE: Phone numbers for these meetings may be obtained by contacting Yolanda Manning.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation 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 meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise 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 includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

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## DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a work group meeting on Chapter 9B-72, F.A.C. to which all persons are invited. The work group meeting will be held at:

Product Approval Work Group Meeting on Rule 9B-72

DATES AND TIMES: April 20, 2005, 1:00 p.m.; April 21, 2005, 8:00 a.m.0

PLACE: Marion County Main Library, 2720 East Silver Springs Blvd. (SR 40), Ocala, Florida, (352)671-8551

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workgroup is to continue the review of Chapter 9B-72, F.A.C., for recommended changes.

A copy of the work group agenda may be obtained from: Florida Building Commission website: [www.floridabuilding.org](http://www.floridabuilding.org).

Any person requiring a special accommodation at the work group meeting because of a disability or physical impairment should contact Ms. Barbara Bryant at the Department of Community Affairs, (850)487-1824, at least ten days before the work group meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

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## DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement**, Medical Examiners Commission announces a Medical Examiners Commission Meeting.

DATE AND TIME: Wednesday, April 27, 2005, 1:00 p.m.

PLACE: Sawgrass Marriott Resort, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida 32082, (904)285-7777

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8600, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Mrs. Victoria G. Marsey, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

The **Criminal Justice Standards and Training Council**, Region X announces a meeting to which all interested persons are invited.

DATE AND TIME: April 12, 2005, 9:30 a.m.

PLACE: Punta Gorda Police Dept., 1410 S. Tamiami Trail, Punta Gorda, FL 33950

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pledge, Intro. of Guests; Minutes of Previous Meeting, Presentation of Region 10 Operations, duties, responsibilities, and allocation; Academy Report-Sarasota County; Academy Report-Lee County; Appointment of Fiscal Officer-Lee County; FDLE Briefing, Ivette Basora; Other itmes of interest: adjournment.

The Region XIV, **Advisory council** announces a meeting to which all interested parties are invited.

DATE AND TIME: Tuesday, April 12, 2005, 10:00 a.m.

PLACE: Room 9118, School of Justice, Miami Dade College North Campus, 11380 N. W. 27th Avenue, Miami, FL 33167

Contact person is: Josefina de Lage, Secretary of the Region XIV Advisory Council, (305)237-1329.

#### DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Friday, April 22, 2005, 2:30 p.m. – 4:30 p.m.

PLACE: Lafayette Room, Second Floor, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide a recommendation on the Courtney Campbell Causeway Scenic Highway Designation Application.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven (7) days prior to the meting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, M.S. 37, Tallahassee, Florida 32399-0450, (850)414-5250, e-mail: mariano.berrios@dot.state.fl.us, Fax (850)414-4443.

The **Department of Transportation**, District Four announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, April 26, 2005, 6:00 p.m. (Formal presentation – 7:00 p.m.)

PLACE: Palm Beach Community College, 4200 Congress Avenue, Lake Worth, Florida 33461

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Hearing is being held to afford interested persons the opportunity to express their views concerning the location,

conceptual design, social, economic, and environmental effects of Financial Project ID Number: 229892-1-22-01, Work Program Item Number 4118936, otherwise known as State Road 807/Congress Avenue Project Development and Environment (PD&E) Study from Lantana Road to 6th Avenue South in Palm Beach County, Florida.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should contact: Florida Department of Transportation, District Four, Office of Planning and Environmental Management, 3400 West Commercial Boulevard, Ft. Lauderdale, Florida 33309-3421; Mr. Patrick Glass, P.E., FDOT Project Manager, (954)777-4681, toll free number 1(866)336-8435, Ext. 4681, e-mail: patrick.glass@dot.state.fl.us.

Special accommodations requested 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: Mr. Patrick Glass, P.E., FDOT Project Manager, Florida Department of Transportation, District Four, Office of Planning and Environmental Management, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

#### 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 public meeting of the Citrus Harvesting Research Advisory Council to which all persons are invited.

DATE AND TIME: Thursday, April 14, 2005, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review progress of research in relation to the Harvesting Program and review potential harvesting research projects for the 2005-06 FY and to discuss any other matters which might relate to this committee.

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)499-2499.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 13, 2005, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

**PUBLIC SERVICE COMMISSION**

AMENDED NOTICE – The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 041291-EI – Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

DATE AND TIME: Friday, April 8, 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 consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NOTICE IS HEREBY GIVEN that the Telecommunications Access System Act (TASA) Advisory Committee to the Florida **Public Service Commission** will hold a committee meeting to which all parties and other interested persons are invited.

DATE AND TIME: Friday, April 15, 2005, 1:00 p.m.

PLACE: Room 152, Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to discuss current relevant issues related to relay such as Captel, Service Quality, and other items.

Further information regarding this meeting may be obtained from: Della Fordham, Division of Competitive Markets and Enforcement, Florida Public Service Commission, (850)413-6512.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*April 18, 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 April 19, 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 a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 041414-EI – Petition for approval of long-term fuel supply and transportation contracts for Hines Unit 4 and additional system supply and transportation, by Progress Energy Florida, Inc.

DATE AND TIME: April 18, 2005, 1:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 040156-TP – Petition for arbitration of amendment to interconnection agreements with certain competitive local exchange carriers and commercial mobile radio service providers in Florida by Verizon Florida Inc.

DATE AND TIME: April 18, 2005, 3:00 p.m.

PLACE: Commission Hearing Room 152, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action. Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: April 19, 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: 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, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 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. 041291-EI – Petition for authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company.

DATES AND TIME: April 20-22, 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 authority to recover prudently incurred storm restoration costs related to 2004 storm season that exceed storm reserve balance, by Florida Power & Light Company,



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 April 8, 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 **Central Florida Regional Planning Council** will hold its public meeting and the Council’s Executive Committee meeting, to which all persons are invited:

DATE AND TIME: Wednesday, April 13, 2005, 9:30 a.m.

PLACE: Highlands County Health Department Conference Room, 7205 South George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

DATE AND TIME: Wednesday, May 18, 2005, 9:00 a.m.

PLACE: Southwest Florida Water Management District Conference Room, 170 Century Boulevard, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees, and to discuss the provisions of the Emergency Planning and Community Right To Know Law (EPCRA).

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

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

PLACE: Southwest Florida Water Management District Conference Room, 170 Century Boulevard, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees, and to discuss the provisions of the Emergency Planning and Community Right To Know Law (EPCRA).

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: April 21, 2005, 9:30 a.m.

PLACE: George D. Mullen Community Center, 4956 City Center Boulevard, North Port, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr, (239)338-2550, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 13, 2005, 2:00 p.m.  
 PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting to discuss regional issues impacting South Florida including transportation.

A copy of the agenda may be obtained by writing: The Broward Workshop, 2601 East Oakland Park Boulevard, Suite 503, Fort Lauderdale, Florida 33306. The Regional Business Alliance is comprised of business leaders from Monroe, Miami-Dade, Broward, Palm Beach, and Martin Counties, including members of the South Florida Regional Transportation Authority.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the meeting above. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **South Florida Regional Planning Council** announces a public design workshop of the State Road 7/US 441 Collaborative to which all persons are invited.

DATE AND TIME: Saturday, April 9, 2005, 10:00 a.m. – 3:00 p.m.  
 PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Design workshop to solicit public input for conceptual redevelopment alternatives for the State Road 7 corridor.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the State Road 7/U.S. 441 Collaborative Steering Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD) if you require additional information regarding the

above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council (954)985-4416, at least five calendar days prior to the meeting.

The **South Florida Regional Planning Council** announces a public meeting of the State Road 7/US 441 Collaborative Steering Committee to which all persons are invited.

DATE AND TIME: Thursday, April 21, 2005, 2:00 p.m. – 4:00 p.m.  
 PLACE: City of Margate, City Hall, Conference Room 2, 5790 Margate Boulevard, Margate, Florida 33063

GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue deliberations regarding economic development, aesthetic improvement, and increased intergovernmental cooperation along the corridor.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the State Road 7/U.S. 441 Collaborative Steering Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited:

DATE AND TIME: April 15, 2005, 9:30 a.m.  
 PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (561)221-4060, at least 48 hours before the meeting.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: May 26, 2005, 10:00 a.m.

PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X, Local Emergency Planning Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X, LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

#### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: April 12, 2005, 9:00 a.m.

PLACE: Hampton Inn of Perry, 2399 S. Byron Butler Parkway, Perry, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Following the Board meeting the Board will travel to Apalachicola, Florida for a workshop with Northwest Florida Water Management District.

DATE AND TIME: April 13, 2005, 8:00 a.m.

Governing Board will be attending a workshop with Northwest Florida Water Management District

DATE AND TIME: April 14, 2005, 8:00 a.m.

Governing Board will be attending a workshop with the Division of Forestry

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following PROJECTS AND LAND COMMITTEE MEETING(S) AND TOUR. All persons are invited.

DATES AND TIMES: Thursday, April 7, 2005, 6:00 p.m. – 7:00 p.m.: Projects and Land Committee public meeting forum; Friday, April 8, 2005, 8:00 a.m. – 10:00 a.m.: Projects and Land Committee business meeting followed by a land tour of LSJRB Projects

PLACE: City Council Chambers, (First Floor), Jacksonville City Hall at St. James, 117 West Duval Street, Jacksonville, Florida 32202; April 8, 2005 – following the business meeting a tour of District land(s) in the Lower St. Johns River Basin Project Area

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation of LSJRB Projects. Business meeting to consider Committee agenda items.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429, Sonia Blake, Water Resources Dept., (386)312-2330.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, April 12, 2005, 8:45 a.m., St. Johns River Water Management District office, Highway 100, West, 4049 Reid Street, Palatka, FL. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited:

WITHLACOOCHEE RIVER BASIN BOARD MEETING

DATE AND TIME: Monday, April 11, 2005, 9:00 a.m.

PLACE: SWFWMD District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

HILLSBOROUGH RIVER BASIN BOARD MEETING (Note: This is a change of location from what was originally published in the year-long calendar.)

DATE/TIME: Tuesday, April 12, 2005, 9:00 a.m.

PLACE: Temple Terrace City Hall, 11250 56th Street, North, Temple Terrace, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING

DATE AND TIME: Wednesday, April 13, 2005, 9:00 a.m.

PLACE: St. Petersburg City Hall, 175 5th Street, North, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

PEACE RIVER BASIN BOARD MEETING

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

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

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.

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The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting to which all interested persons are invited:

CITRUS COUNTY TSALA-APOPKA CHAIN OF LAKES TASK FORCE OF THE CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL

DATE AND TIME: Monday, April 11, 2005, 5:00 p.m.

PLACE: Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Task Force business.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), Extension 4227.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact: 1(800)423-1476 (Florida), or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

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The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

DATE AND TIME: Tuesday, April 12, 2005, 6:30 p.m.

PLACE: Temple Terrace City Hall, 11250 North 56th Street, Temple Terrace, 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, 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 advised 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.

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The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

INDUSTRIAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, April 12, 2005, 9:00 a.m.

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41, South), Brooksville, Florida 34604, (352)796-7211, 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 advised 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** announces a public meeting, hearing or workshop to which all persons are invited.

**PUBLIC SUPPLY ADVISORY COMMITTEE**

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

PLACE: Department of Environmental Protection, Tampa Office, 3804 Coconut Palm Drive, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41, South), Brooksville, Florida 34604, (352)796-7211, 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 **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, April 6, 2005, 9:00 a.m. – complete

PLACE: SFWMD, Okeechobee Service Center, 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Audit and Finance Committee to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: 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 Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: April 13, 2005, 9:00 a.m.

PLACE: District Headquarters B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, conduct meeting of the Human Resources Committee and Audit Committee, including public meetings, adopt a resolution amending the FY2004-05 Budget as follows:

**South Florida Water Management District  
Proposed FY2004-05 Budget Amendment**

The South Florida Water Management District will consider a proposed Amendment to its FY2004-05 Budget at its regularly scheduled meeting on April 13, 2005. The meeting will be held in the District's Auditorium at 3301 Gun Club Road, WPB, FL and begin at 9:00 A.M. All concerned citizens are invited to attend. For further information on these proposed changes, please contact Doug Bergstrom, Director, Budget Division, at (561) 686-8800 or toll free at 1-800-432-2045. The amendment is intended to address the areas listed below.

|  | <b>General<br/>Fund</b> | <b>Special<br/>Revenue<br/>Funds</b> | <b>Capital<br/>Projects<br/>Funds</b> | <b>Internal<br/>Service<br/>Fund</b> | <b>Total</b>           |
|--|-------------------------|--------------------------------------|---------------------------------------|--------------------------------------|------------------------|
| <b>FY2004-05 Amended Revenues and Balances</b>         | <b>\$121,024,245</b>    | <b>\$214,516,169</b>                 | <b>\$490,578,824</b>                  | <b>\$3,952,243</b>                   | <b>\$830,071,481</b>   |
| <i>Amendments:</i>                                     |                         |                                      |                                       |                                      |                        |
| Loan Proceeds  |                         |                                      | 3,303,016                             |                                      | \$3,303,016            |
| Wetland Mitigation Funds                               |                         | 800,000                              |                                       |                                      | \$800,000              |
| Intergovernmental - DEP                                |                         | 248,003                              |                                       |                                      | \$248,003              |
| <b>Total Amended Revenues and Balances</b>             | <b>\$121,024,245</b>    | <b>\$215,564,172</b>                 | <b>\$493,881,840</b>                  | <b>\$3,952,243</b>                   | <b>\$834,422,500</b>   |
| Encumbrances Funded by Fund Balance                    | 10,955,166              | 68,386,493                           | 65,606,742                            |                                      | \$144,948,401          |
| Encumbrances Funded by Future Revenue                  |                         | 13,664,988                           | 69,288,727                            | 10,586                               | \$82,964,301           |
| <b>Total Amended Sources</b>                           | <b>\$131,979,411</b>    | <b>\$297,615,653</b>                 | <b>\$628,777,309</b>                  | <b>\$3,962,829</b>                   | <b>\$1,062,335,202</b> |
| <br>   |                         |                                      |                                       |                                      |                        |
| <b>FY2004-05 Amended Appropriations</b>                | <b>\$121,024,245</b>    | <b>\$214,516,169</b>                 | <b>\$490,578,824</b>                  | <b>\$3,952,243</b>                   | <b>\$830,071,481</b>   |
| <i>Amendments:</i>                                     |                         |                                      |                                       |                                      |                        |
| SAP Project  |                         |                                      | 3,303,016                             |                                      | \$3,303,016            |
| Land Acquisition                                       |                         | 800,000                              |                                       |                                      | \$800,000              |
| Arch Creek Stormwater System Retrofit                  |                         | 168,003                              |                                       |                                      | \$168,003              |
| C-11 Canal Trail                                       |                         | 80,000                               |                                       |                                      | \$80,000               |
| <b>Total Amended Appropriations</b>                    | <b>\$121,024,245</b>    | <b>\$215,564,172</b>                 | <b>\$493,881,840</b>                  | <b>\$3,952,243</b>                   | <b>\$834,422,500</b>   |
| Reserved for Encumbrances                              | 10,955,166              | 82,051,481                           | 134,895,469                           | 10,586                               | 227,912,702            |
| <b>Total Amended Appropriations &amp; Encumbrances</b> | <b>\$131,979,411</b>    | <b>\$297,615,653</b>                 | <b>\$628,777,309</b>                  | <b>\$3,962,829</b>                   | <b>\$1,062,335,202</b> |

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, April 12, 2005, 1:00 p.m. – complete

PLACE: SFWMD Okeechobee Service Center, 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: 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 Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, April 13, 2005, 9:00 a.m. – complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting/Audit and Finance Committee/Human Resources and Outreach Committee to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: 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 Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Hospital Acquired Infections Technical Workgroup, to which all interested parties are invited.

DATE AND TIME: Wednesday, April 13, 2005, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive Building #3, First Floor Conference Rooms, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Hospital Acquired Infections Technical Workgroup to discuss infection measures.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Marsha Medders, (850)922-5592, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Lisa Eaton, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at [http://www.fdhc.state.fl.us/SCHS/chistwg\\_hai.shtml](http://www.fdhc.state.fl.us/SCHS/chistwg_hai.shtml) seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 7, 2005, 10:00 a.m. – 3:00 p.m.

PLACE: Town and Country Hospital, 6001 Webb Road, Tampa, Florida 33615

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation, Board of Directors Meeting.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308, e-mail: COLVINL@fdhc.state.fl.us. To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

**DEPARTMENT OF MANAGEMENT SERVICES**

The State of Florida, **State Technology Office** announces a Chief Information Officer (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, April 18, 2005, 10:00 a.m. – 12:00 Noon

PLACE: Conference Room 124, Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Elaine Womble, (850)922-2680, Elaine.womble@myflorida.com.

The Real Choice Partnership Project of the **Americans with Disabilities Act Working Group**, which is administered by the Department of Management Services announces a meeting of the Consumer Task Force and a Public Hearing to which all interested persons are invited.

**MEETING**

DATES AND TIMES: April 27, 2005, 1:00 p.m. – 4:00 p.m.; April 28, 2005, 9:00 a.m. – 12:00 Noon

**PUBLIC HEARING**

DATE AND TIME: April 27, 2005, 4:30 p.m. – 6:30 p.m.  
PLACE: Best Western Gateway Grand, 4200 N. W. 97th Blvd., Gainesville, Florida 32606

GENERAL SUBJECT MATTER TO BE CONSIDERED: To facilitate the mission of the Real Choice Partnership Grant Project.

A copy of the Consumer Task Force meeting agenda may be obtained by writing: Americans with Disabilities Act Working Group Building, 4030 Esplanade Way, Ste. 315, Tallahassee, Florida 32399-0950, Voice (850)922-4103, TTY (850)922-4103.

Should you require accommodations or materials in alternative formats, please contact: Stacia Woolverton, (850)922-4103 (Voice) or (850)922-4103 (TTY).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE OF CORRECTION – The **Board of Professional Geologists** announces a General Business Meeting to which all interested parties are invited to attend.

DATES AND TIMES: April 28, 2005, 1:00 p.m.; April 29, 2005, 9:00 a.m.

PLACE: Wyndham Reach Resort & Hotel, 1435 Simonton Street, Key West, Florida 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Board Business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Tuesday, April 26, 2005.

The Florida **Board of Veterinary Medicine** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: April 15, 2005, 11:00 a.m.

PLACE: ACCESS PHONE (850)413-9245, Suncom 293-9245, toll free 1(877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.



If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-7154, 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).

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#### 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."

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#### DEPARTMENT OF HEALTH

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2005, 1:30 p.m. – 5:00 p.m.

PLACE: Florida Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, FL 32311

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Interagency Committee on Women's Health will meet to receive information about the scope of the Interagency Committee's work and form subcommittees.

Interested persons may obtain an agenda for this meeting by mailing or faxing a request to: Cheryl Robbins, 4052 Bald Cypress Way, Bin #A13, Tallahassee, Florida 32399-1723, Fax (850)933-9321.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this meeting is asked to advise the Florida Department of Health at least 48 hours before the meeting by contacting: Cheryl Robbins, (850)245-4455, Ext. 2945.

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The **Department of Health**, Office of Trauma announces a public meeting to which all persons are invited.

DATE AND TIME: April 14, 2005, 11:03 a.m. – 1:00 p.m.

PLACE: Department of Health, Bureau of Emergency Medical Operations, 4025 Esplande Way, 3rd Floor, Tallahassee, FL, Toll Free Number to call into meeting 1(888)816-1123

GENERAL SUBJECT MATTER TO BE CONSIDERED: A committee appointed by the Office of Trauma is holding a meeting to assist the Department of Health in the implementation of the 1999 trauma legislation which requires

the development of criteria for the consultation and transfer of trauma victims between trauma centers and acute care hospitals.

A copy of the agenda may be obtained by writing: Department of Health, Office of Trauma, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738, or calling George Schaffer, (850)245-4440.

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 before April 7, 2005, by contacting: George Schaffer, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Purchase Order Number B00829.

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The **Department of Health**, Office of Trauma announces a public meeting to which all persons are invited.

DATE AND TIME: April 14, 2005, 3:00 p.m. – 5:00 p.m.

PLACE: Department of Health, Bureau of Emergency Medical Operations, 4025 Esplande Way, 3rd Floor, Tallahassee, FL, Toll Free Number to call into meeting 1(888)816-1123

GENERAL SUBJECT MATTER TO BE CONSIDERED: A subcommittee (Trauma Agency/Trauma System Evaluation Subcommittee), appointed by the State Trauma System Plan Implementation Committee, is holding a meeting to assist the Department of Health in the implementation of a trauma system evaluation tool to evaluate trauma care in areas of the state that do not have trauma agencies.

A copy of the agenda may be obtained by writing: Department of Health, Office of Trauma, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738, or calling George Schaffer, (850)245-4440.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this conference call is asked to advise the agency before April 7, 2005, by contacting: George Schaffer, (850)245-4440. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Purchase Order Number B00829.

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The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board Meeting to be held via telephone conference call. All interested parties are invited to participate; the conference call is open to the public.

DATE AND TIME: Friday, April 8, 2005, 11:00 a.m. – 12:00 Noon

PLACE: (850)245-4461 to inquire about the call in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a 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 the evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

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**The Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: April 29, 2005, 9:00 a.m.

PLACE: Doubletree Hotel Tallahassee, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to the meeting.

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**The Board of Massage Therapy**, Probable Cause Panel announces a meeting to which all interested persons are invited to participate.

DATES AND TIMES: Wednesday, April 27, 2005, 6:00 p.m. or soon thereafter

PLACE: Sheraton Ft. Lauderdale Airport Hotel, 1825 Griffin Road, Ft. Lauderdale, FL 33004, (954)920-3500

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Samantha DiConcilio, Department of Health, Prosecution Services, 4052 Bald Cypress Way, #C65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted: 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770, via Florida Relay Service.

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The Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Thursday, April 28, 2005, 9:00 a.m. or shortly thereafter; Friday, April 29, 2005, 9:00 a.m. or shortly thereafter

PLACE: Sheraton Ft. Lauderdale Airport Hotel, 1825 Griffin Rd., Ft. Lauderdale, FL 33004, (954)920-3500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800) 955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Medicine**, Probable Cause Panel (South) announces a telephone conference call to be held via meet me number.

DATE AND TIME: April 8, 2005, 2:00 p.m.

PLACE: Meet Me Number (850)410-0967, Suncom 210-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

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The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: April 15, 2005, 2:00 p.m.

PLACE: Meet Me Number (850)414-5775, Suncom 994-5775, Toll-free 1(888)461-8118

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

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The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: April 22, 2005, 2:00 p.m.

PLACE: Meet Me Number (850)414-5775, Suncom 994-5775  
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

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The **Department of Health, Board of Pharmacy**, Negative Drug Formulary announces a meeting to which all persons are invited.

DATE AND TIME: April 12, 2005, 8:00 a.m. – 12:00 Noon

PLACE: Sheraton Suites Cypress Creek, 555 N. W. 62nd Street, Ft. Lauderdale, FL 33309, (954)772-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss Levothyroxine Sodium and whether it should remain on the Negative Drug Formulary list as stated in Rule 64B16-27.500, F.A.C.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Danna Droz, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Florida **Substance Abuse and Mental Health Corporation**, created by Ch. 2003-279, Laws of Florida, announces an Executive Committee Meeting to which all persons are invited.

DATES AND TIME: Tuesday, April 5, 2005, 10:00 a.m. – 1:00 p.m.

PLACE: Daytona Florida (Actual Location to be announced on our website: [www.samhcorp.org](http://www.samhcorp.org))

GENERAL SUBJECT MATTER TO BE CONSIDERED: Legislative Update, Planning for May Full Board Meeting and Updates on Ad Hoc Committee Activity.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Amanda Sanford, seven days prior to the meeting at the Florida Department of Children and Family Services, Mental Health Program Office, Bldg 1, Room 206-B, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1575.

**DEPARTMENT OF FINANCIAL SERVICES**

The **Office of Financial Regulation** announces a public hearing to which all persons are invited:

DATES AND TIME: April 19, 2005, 9:00 a.m., during a regular meeting of the Financial Services Commission (The corresponding meeting of the Cabinet Aides will take place on April 13, 2005, 9:00 a.m.)

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of Amendment to Rule 69V-40.031, F.A.C. Notice of the proposed action was published in Vol. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly.

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: Andy Price, (850)410-9896.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: May 3, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of proposed amendments to Rule 69O-196.010, Florida Administrative Code, published on January 14, 2005, in Vol. 31, No. 2, of the Florida Administrative Weekly. No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Sandra DuPont, e-mail: [sandra.dupont@fldfs.com](mailto:sandra.dupont@fldfs.com).

**FLORIDA CLERK OF COURT OPERATIONS CONFERENCE**

The **Clerks of Court Operations Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: April 19, 2005, 1:30 p.m. – 5:00 p.m.

PLACE: Salon A-B-C, Tampa Renaissance Hotel, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: 05-06 Clerk Budget Process, Performance Measures, Legislation, and other budget issues.

Information regarding the meeting may be obtained by contacting: John Dew, Florida CCOC, (850)386-2223.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

**DEPARTMENT OF EDUCATION**

NOTICE IS HEREBY GIVEN THAT the Department of Education has issued a Final Order in the Petition for a Declaratory Statement Re: Request for Declaratory Statement by Edward Riley, Collier County Fire Code Official, Regarding requirements of Section 633.022(1)(b), F.S., Agency Case No. DOE-2005-1056-FOI. The Commissioner’s Final Order, filed in this cause on March 17, 2005, provides the following response to the question as outlined in the petition.

In Office of Fire Code Official of Collier Co. Fire Control and Rescue Districts v. Florida Dept. of Financial Services, 869 So. 2d 1233 (Fla. 2nd DCA 2004), the Second District Court of Appeal stated:

[U]nder Chapter 633, F.S., the responsibilities of the State Fire Marshal are carried out through the DFS. “The head of the [DFS] is the Chief Financial Officer.” §20.121(1) (2003). The Chief Financial Officer is designated as the State Fire Marshal, §633.01, and the Division of State Fire Marshal is a part of the DFS, §20.121(2)(b). The State Fire Marshal thus acts through the DFS, and the DFS has the authority to adopt the Florida Fire Prevention Code. §633.01(1).

Section 633.022, Florida Statutes, entitled “Uniform Firesafety Standards” states at section (1) that “The Department shall establish uniform firesafety standards that apply to: (b)...public schools...” These standards for public schools, entitled “Firesafety in Educational Facilities,” are promulgated by the State Fire Marshal’s office and are found in Rule 69A-58.001 et. seq., F.A.C.

Regarding declaratory statements on such rules, Section 633.01(6), F.S., states: "Only the State Fire Marshal may issue, and, when requested in writing by any substantially affected person or a local enforcing agency, the State Fire Marshal shall issue declaratory statement pursuant to Section 120.565, F.S., relating to the Florida Fire Prevention Code and the Life Safety Code." (Emphasis added).

The agency interpretations requested are subject to review by the State Fire Marshal via the declaratory statement procedure, and are therefore not the proper subject of a petition before the Department of Education.

A copy of the Petition and the Final Order may be obtained by contacting: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**NOTICE OF DISPOSITION**

The Electrical Contractors' Licensing Board hereby gives notice that it has issued an Order on the Petition for Declaratory Statement filed by M. Joseph Dickerson, Esquire, on the behalf of David and Stacy Walker. Notice of Petition for Declaratory Statement was published in Vol. 30, No. 48, of the November 24, 2004, F.A.W. The Electrical Contractors' Licensing Board considered the Petition at its meeting held on January 28, 2005, in St. Augustine, Florida. In the Board's Order, filed on March 15, 2005, the petition for a declaratory statement was denied. The Board concluded that it has no jurisdiction over this matter pursuant to Section 120.565, F.S., and Rule 28-105.001, F.A.C., as Petitioners seek a determination regarding the actions of another person.

A copy of the Board's Order may be obtained by contacting: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

The Board of Professional Surveyors and Mappers gives notice that it has received a Petition for Declaratory Statement filed on January 3, 2005, by Gregory Mire, a licensed surveyor and mapper. The Petitioner seeks the Board's opinion on the following issues: (1) Whether or not private access easements require additional monumentation to be set in the form of permanent control points under Chapter 177, F.S.; (2) If

additional monumentation is requested by a governmental entity, then can the governmental entity require a licensed surveyor and mapper to identify those monuments or points as permanent control points as defined under Chapter 177, F.S., or should those monuments be identified by another term such as county or city control points.

Copies of the petition may be obtained by writing: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

**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**

**REQUEST FOR BID**

The University of Florida, Purchasing Division will receive sealed bids for the following: ITB-05MW-260, W/O #684482, Dauer Hall Electrical Upgrade, Phase 1, estimated budget: \$250,000.00 to be opened April 26, 2005, at 3:00 p.m. Local Time. Scope of work: The work includes but is not necessarily limited to replacing the entire building fire alarm system, replacing and upgrading the building electrical service, including a new service entrance pad mounted transformer and associated medium-voltage distribution work, and miscellaneous architectural work associated with the fire alarm system replacement. Specifications and Plans are available in Purchasing Division, Elmore Hall, Radio Road, Gainesville, FL 32611, Telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held April 13, 2005, at 10:00 a.m. in the Physical Plant Architecture/Engineering Conference Room, Bldg. 700, Radio Road, Gainesville, FL. All questions should be directed to Sonia Coleman, UF Purchasing (352)392-1331. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

**REQUEST FOR BID**

The University of Florida, Purchasing Division will receive sealed bids for the following: ITB-05MW-258, W/O #688166, Center Drive Chilled Water Piping Replacement, estimated budget: \$750,000.00 to be opened April 26, 2005, at 2:00 p.m. Local Time. Scope of work: Provide new chilled water piping valves and fittings for a portion of the Center Drive area along with all related insulation, excavations, backfill and surface restoration. Specifications and Plans are available in Purchasing Division, Elmore Hall, Radio Road, Gainesville, FL 32611, Telephone (352)392-1331. A Mandatory Pre-Bid Meeting will be held April 12, 2005, at 1:30 p.m. in the Physical Plant Architecture/Engineering Conference Room, Bldg. 700, Radio Road, Gainesville, FL. All questions should be directed to Sonia Coleman, UF Purchasing, (352)392-1331. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

**REQUESTING BIDS FOR FURNISHING  
INSTRUCTIONAL MATERIALS  
TO THE STATE OF FLORIDA**

Sealed bids addressed to the Florida Department of Education and marked "Sealed Bid" will be received in the office of the Commissioner of Education no later than 5:00 p.m. (EDT), May 2, 2005.

Bids shall include proposals for furnishing instructional materials effective April 1, 2006, for a period of six years in the area of K-12 Science, including ESE. A detailed list of the selection criteria may be obtained from the Instructional Materials Office, Room 444, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, or by accessing the Department of Education website at <http://www.firn.edu/doe/instmat>. The bid shall state the lowest wholesale price at which the materials will be furnished, f.o.b. to the Florida depository of the bidder.

Official minimum standards and specifications for paper, printing, binding, binderboard, and cover fabric have been adopted by the Department of Education and are available for inspection in Room 444, Turlington Building.

Each bidder shall furnish specimen copies of all materials submitted at a time designated by the Department of Education, which specimen copies shall be identical with the copies approved and accepted by the state instructional materials committee and copies furnished to district superintendents as provided in Section 1006.38, F.S.

Contracts must be executed and required bonds submitted within 30 calendar days after receipt of the contract.

The Department of Education reserves the right to reject any or all bids.

**Notice to Bidders**

The School District of Lee County, Florida  
Department of Procurement Services

**BID REQUEST FOR:**

**BAKERY PRODUCTS FOR LEE COUNTY SCHOOLS**

**BID NO. B-056338CP**

**OPENING DATE: APRIL 12, 2005, TUESDAY, 2:00 P.M. EST**

Request a bid package by:

Phone: (239)479-4256; Fax: (239)337-8200

In Person or Mail: 3308 Canal Street, Fort Myers, Florida 33916-6594

Complete bid package available only upon request.

**NOTICE TO CONSTRUCTION MANAGEMENT FIRMS**

Duval County Public Schools  
Request for Qualifications (RFQ)  
FOR

Construction Management Services

The Office of Facilities Design and Management services are required for the following project:

PROJECT NO.: C-91060  
PROJECT NAME: New Elementary School "B" No. 142 (Chaffee Road)  
PROJECT LOCATION: Duval County Public Schools District, Jacksonville, FL

RFQ's ARE DUE ON OR BEFORE May 3, 2005  
AND WILL BE ACCEPTED UNTIL 4:30 P.M.

The selected Construction Manager will provide preconstruction services including value engineering, constructability analysis, development of a cost model, and estimating and will develop a Guaranteed Maximum Price at the applicable Construction Document phase.

Scope of Work: Construction Management services for a new elementary school for 830 total student stations. Budgeted not to exceed \$12.7 million.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including but not limited to experience and ability, financial capability, record keeping/administrative ability, critical path scheduling expertise, cost estimating, cost control ability, quality control ability, qualifications of firm's personnel, staff, and distance from the construction site.

To receive application information and instruction booklet or for additional information contact the Project Manager listed below or visit [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities).

Applications are to be sent to:

Facilities Design and Construction  
1701 Prudential Drive, 5th Floor  
Jacksonville, FL 32207-8182

PROJECT MANAGER: David E. Shultz  
PHONE NO.: (904)390-2279  
MBE GOALS: New Elementary School "B" No. 142 (Chaffee Road) 10% AA, 3% HANA, 7% WBE

Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Selection Booklets, then under General Documents, Selection of Construction Manager.

**DEPARTMENT OF COMMUNITY AFFAIRS**

WATERFRONTS FLORIDA PARTNERSHIP PROGRAM  
NOTICE OF APPLICATION PERIOD – 2005-2007

The Department of Community Affairs announces an application period for receiving applications from local governments and non-profit environmental organizations working with local governments for designation as a Waterfronts Florida Partnership Communities. The Waterfronts Florida Partnership Program is a two-year program that provides technical assistance and small planning grants to traditional working waterfront communities for revitalization efforts. Communities develop and implement special area management plans that address such issues as community visioning, maintaining a viable traditional waterfront economy, hazard mitigation, environmental and cultural resource protection, and public access. Three communities are designated every two years.

**DEADLINE:** The deadline for submitting applications shall be 5:00 p.m. (EDT) on Friday, May 27, 2005. Applications must be received by the Department of Community Affairs by the above-stated deadline. Applications received after the published deadline shall be deemed late and will not be considered by the Department.

**ELIGIBILITY:** The community must be located within a county or municipality that is required to adopt a coastal element as part of its local government comprehensive plan. The comprehensive plan must be in compliance with the provisions of Chapter 163, Part II, Florida Statutes. The designated waterfront area cannot be a major deep water port (i.e., it cannot generate more than \$5 million annually in operating revenues).

**APPLICATION FORMS:** Applications for funding must be made on the Waterfronts Florida Application Form. Copies of the application form may be obtained by visiting the Department's website at [www.dca.state.fl.us/fdcp/dcp/waterfronts](http://www.dca.state.fl.us/fdcp/dcp/waterfronts), calling (850)922-1772, Suncom 292-1772 or by writing: Department of Community Affairs, Waterfronts Florida Partnership Program, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100.

**ADDRESS:** For mail and carrier service deliveries, the delivery address is Waterfronts Florida Partnership Program, 2555 Shumard Oak Boulevard, Suite 310, Tallahassee, FL 32399-2100. For hand deliveries, the delivery location is Suite 310, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida.

**FUNDS AVAILABLE:** The Department of Community Affairs expects that a total of \$75,000 will be available for grant awards during the 2005-2006 state fiscal year and an additional \$75,000 will be available for continuation grant awards during the 2006-2007 state fiscal year. The Department expects to designate up to three local governments as Waterfronts Florida Partnership Communities for the two-year program. The program is financed with a grant from the Florida Coastal

Management Program, Department of Environmental Protection, made possible through a grant from the National Oceanic and Atmospheric Administration.

**LOCAL MATCH:** Applicants must commit a dollar-for-dollar match, either cash (non-federal funds) or in-kind. As a condition of the designation, applicants must also commit to provide a local program manager.

**MORE INFORMATION:** Interested parties may obtain more information from the Department's website at [www.dca.state.fl.us/fdcp/dcp/waterfronts](http://www.dca.state.fl.us/fdcp/dcp/waterfronts), by contacting the Department, (850)922-1772, Suncom 292-1772, or by writing the above-stated address.

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### **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."

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### **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."

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#### **STATE ENERGY PROGRAM (SEP) NOTICE OF FUNDING AVAILABILITY**

The United States Department of Energy announced funding availability for Federal Fiscal year 2005 under the State Energy Program Special Projects on February 18, 2005 for eligible applicants. All proposals are required to be submitted by the State Energy Office. Approximately \$14,700,000 nationwide is available for award to eligible applicants to carry out eligible activities.

The proposals for Clean Cities Incremental Cost of Alternative Fuel Vehicles (Category 01A), Clean Cities School Buses (Category 01C), Industries of the Future: State Partnerships to Accelerate Industrial Energy Efficiency (Category 02), Rebuild America (Category 04), Federal Energy Management Program (Category 06) and Photovoltaic Building Integrated Micro-Inverters (Category 07) are due to the Florida Energy Office by the close of business April 11, 2005.

The proposals for Clean Cities AFV Refueling Infrastructure (Category 01B), Clean Cities Idle Reduction Technologies (Category 01E), Building Codes and Standards (Category 03), Building America (Category 05) and Biomass (Category 10) are due to the Florida Energy Office by the close of business April 13, 2005.

The proposals for Clean Cities Coalition Support (Category 01D), Clean Cities Incremental Cost of Heavy-Duty Hybrid Electric Vehicles (Category 01F), State Wind Energy Support – Coastal and Barrier Island Tall Towers (Category 08A), State Wind Energy Support – Wind and Water (Category 08B), Distributed Energy – Regional Combined Cooling Heating and Power Application Centers (Category 09) and Air Quality Integration (Category 11) are due to the Florida Energy Office by the close of business April 15, 2005.

Proposals may either be hand delivered or sent by U. S. Mail or other licensed carrier and must be received on or before the deadline to the Florida Energy Office, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #19, Tallahassee, Florida 32399-3000.

For further information, prospective applicants should contact: Essie Turner, Administrative Assistant, (850)245-2940, e-mail: [Essie.turner@dep.state.fl.us](mailto:Essie.turner@dep.state.fl.us). Interested parties may also address inquiries to the Florida Energy Office, Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #19, Tallahassee, Florida 32399-3000.

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### **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-204036 C

**ACCOUNTING CODE:** NA

**PROJECT NAME AND LOCATION:** RENOVATION RICHARD L. LEWIS NATIONAL GUARD ARMORY-FERN CREEK, ORLANDO, 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 & 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: April 14, 2005 at 10:00 a.m. Local Time at the Richard L. Lewis National Guard Armory, 2809 South Fern Creek Avenue, Orlando, Florida 32856. 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:** May 3, 2005 at 10:00 a.m. Local Time.

**PLACE:** Richard L. Lewis National Guard Armory, 2809 South Fern Creek, Orlando, Florida 32856

**PROPOSAL:** Bids may be submitted prior to bid opening date if received by the Department of Military Affairs, NO LATER THAN May 2, 2005, BEFORE CLOSE OF BUSINESS. Construction and Facility Management Office, Robert F. Ensslin Armory, ATTN: SEALED BIDS, Mr. Kenneth Hersey, 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 from the:

**ARCHITECT-ENGINEER:** Renker Eich, Parks Architects, 1609 Dr. Martin Luther King Street, North, St. Petersburg, Florida 33704-4203, (727)821-2986

**DEPOSIT:** \$125.00 per set of Drawings and Specifications is required with a limit of (2) sets per General Contractor or Prime Bidder and one set per mechanical subcontractor and/or electrical subcontractor. The deposit shall only be returned to those General Contractors, or Prime Bidders, mechanical subcontractors and/or electrical subcontractors, who, after having examined the Drawings and Specifications submit a bid (in the case of mechanical and/or electrical subcontractor's submission of a bid to a prime bidder), and return the Drawings and Specifications in good condition within fifteen (15) days of the date of receipt of bids.

Full set of drawings and specifications may be purchased by payment of the printing and handling at cost (non-refundable). For purchase please contact:

TRS Reprographics  
265 Central Avenue  
St. Petersburg, Florida 33701  
Telephone: (727)821-1365  
Facsimile: (727)821-1205  
E-mail: stpete@trstampa.com

All technical questions shall be directed to the A/E until close of business April 26, 2005.

**ARCHITECT-ENGINEER:** Renker Eich Parks Architects  
**TELEPHONE:** (727)821-2986

**CONTRACT AWARD:** The official Notice of Award Recommendation (Intent to Award) will be by electronic posting on the Department's website: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

Failure to file a protest within the time prescribed in Section 120.57(3), F.S., shall constitute a waiver of proceedings under Chapter 120, F.S. If no protest is filed the contract will be awarded to the qualified, responsive and responsible low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner. In the event that the Bid tabulation/Notice of Award Recommendation (Intent to Award) can not be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested.

Vendors submitting bids/proposals should be registered in the MyFloridaMarketPlace E-procurement system prior to the response due date. A vendor shall not be awarded a project until registered in the MFMP system.

The Department reserves the right to reject any and all submissions or accept minor irregularities in the best interest of the State of Florida.

**AWARD OF CONTRACT IS CONTINGENT UPON THE AVAILABILITY OF FUNDS.**

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### **SEMINOLE COUNTY COALITION FOR SCHOOL READINESS**

The Seminole County Coalition for School Readiness, Inc. dba Early Learning Coalition of Seminole is soliciting applications for a qualified CPA firm. This RFQ will be based on a one year contract, with 2 one-year options to renew.

Interested parties may request an electronic copy of procurement instructions by contacting: Rita Shaffer, (407)871-1102. Responses are due no later than Noon on May 6, 2005.

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Section XII  
Miscellaneous

DEPARTMENT OF COMMUNITY PLANNING

DCA Order No. DCA05-OR-064

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION

ADOPTED BY ISLAMORADA

VILLAGE OF ISLANDS

ORDINANCE NO. 05-01

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 Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On February 2, 2005, the Department received for review Islamorada, Village of Islands Ordinance No. 05-01 which was adopted by the Village Council on January 27, 2005 ("Ord. 05-01"). The purpose of Ord. 05-01 is to amend the Building Permit Allocation System to allow for the borrowing of nonresidential floor area from future allocation periods.

3. Ord. 05-01 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004).

5. Islamorada, Village of Islands 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.

6. "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. 05-01 are land development regulations.

7. 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. (2004). 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.

8. Ord. 05-01 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

9. Ord. 05-01 is not inconsistent with the remaining Principles. Ord. 05-01 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 05-01 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.

James L. Quinn  
State Planning Administrator  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN

OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 22nd day of March, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Chris Sante, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
Nancy Stroud, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

DCA Final Order No.: DCA05-OR-052

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: LAND DEVELOPMENT REGULATIONS  
ADOPTED BY CITY OF KEY WEST  
ORDINANCE NO. 05-04

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2004), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On January 24, 2005, the Department received for review City of Key West Ordinance No. 05-04, which was adopted by the City of Key West City Commission on January 20, 2005 ("Ord. 05-04"). Ord. 05-04 amends several parts of Chapter 108 of the Key West Code of Ordinances entitled "Planning and Development" by revising land development regulations pertaining to the review and approval of both minor and major Development Plans either inside or outside of the Key West Historic District.
3. Ord. 05-04 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2004).
5. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2004) and Rule 28-36.001, Fla. Admin. Code.
6. "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. 05-03 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), 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 for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Fla. Admin. Code.
8. Ord. 05-04 promotes and furthers the following Principles in subsection 28-36.003(1), F.A.C.:
  - (a) To strengthen local government capabilities for managing land use and development.
  - (c) Minimize the adverse impacts of development on the quality of water in and around the City of Key West and throughout the Florida Keys.
  - (g) Minimize the adverse impacts of proposed public investment on the natural and environmental resources of Key West.
  - (h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

9. Ord. 05-04 is not inconsistent with the remaining Principles. Ord. 05-04 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 05-04 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

James L. Quinn, State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA

ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 22nd day of March, 2005.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

The Honorable Jimmy Weekley  
Mayor, City of Key West  
P. O. Box 1409  
Key West, Florida 33041

Cheryl Smith  
Clerk to the City Commission  
P. O. Box 1409  
Key West, Florida 33041

Robert Tischenkel  
City Attorney  
P. O. Box 1409  
Key West, FL 33041

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**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, American Suzuki Motor Corporation, intends to allow the establishment of Suzuki of Lakeland, Inc., d/b/a Suzuki of Lakeland as a dealership for the sale of sale of Suzuki automobiles, at 6565 South Florida Avenue, Lakeland (Polk County), Florida 33813, on or after December 31, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Suzuki of Lakeland, Inc., d/b/a Suzuki of Lakeland is dealer operator: Jose DeSousa, 9740 Adamo Drive, Tampa, Florida 33619; principal investor(s): Roger Rivard, 8927 Eagle Watch Drive, Riverview, Florida 33569 and Jose DeSousa, 9740 Adamo Drive, Tampa, Florida 33619.

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: Mr. Chris Gerkin, Director Dealer Development, American Suzuki Motor Corporation 3251 E. Imperial Highway, P. O. Box 1100, Brea, California 92822-1100.

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, DaimlerChrysler Motors Company, LLC ("DaimlerChrysler"), gives notice of its intent to permit the establishment of Beacon-FL, LLC. d/b/a Potamkin's Planet Dodge as a Chrysler Jeep dealership for the sale of new Chrysler and Jeep motor vehicles at 9975 N.W. 12th Street, Miami, Miami-Dade County, Florida 33172. The proposed dealership will open on or after May 1, 2005.

The name and address of the dealer operator of Beacon-FL, LLC d/b/a Potamkin's Planet Dodge is Walter Ritter, 9975 N.W. 12th Street, Miami, Florida 33172. The names and addresses of the principal investors are Beacon Beach Automotive, Inc., 2333 Ponce De Leon Blvd., Suite 600, Coral Gables, Florida 33134 and Ritter 1, Inc., 9975 N. W. 12th Street, Miami, Florida 33172. The principal investor in Beacon Beach Automotive, Inc. is Planet Automotive Group, Inc., 2333 Ponce De Leon Blvd., Suite 600, Coral Gables, Florida 33134. The principal investors in Planet Automotive Group, Inc. are Alan Potamkin, 2333 Ponce De Leo Blvd., Suite 600, Coral Gables, Florida 33172 and Robert Potamkin, 2333 Ponce De Leon Blvd., Suite 600, Coral Gables, Florida 33172. The principal investor in Ritter 1, Inc. is Walter Ritter, 9975 N.W. 12th Street, Miami, Florida 33172. The notice indicates intent to permit the establishment of a dealership 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, and contesting the assertion of the exemption. 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 U.S. Mail to: G. E. Nevers, 10300 Boggy Creek Road, Orlando, FL 32824.

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, DaimlerChrysler Motors Company, LLC ("DaimlerChrysler"), gives notice of its intent to permit the establishment of Tamiami Automotive Group, Inc. d/b/a Tamiami Chrysler Plymouth Jeep Eagle as a Dodge dealership for the sale of new Dodge motor vehicles at 8250 South West 8th Street, Miami, Miami-Dade County, Florida 33144 or at a location in the City of Miami, Miami-Dade County, Florida, which is located on Coral Way a.k.a. Southwest 24th Street, between Southwest 71st Avenue and Southwest 70th Court. The legal description of this property is as follows:

Parcel 1

Part of Tract 152, Central Miami Seaboard Section, according to the plat thereof recorded in Plat Book 28, at Page 5 of the Public Records of Miami-Dade County, Florida, in Section 14, Township 54 South, Range 40 East, more particularly described as follows: Commence at the N.W. corner of the N. E. 1/4 of said Section 14; thence run East along the northerly line of said Section 14, said line being also the centerline of S. W. 24th Street (Coral Way) for a distance of 352.39 feet to a point; thence South 00 degrees 43'30" East, 35.00 feet to the point of beginning of the parcel of land to be described; from the point of beginning thus described, thence run South 00 degrees 43'30" East, a distance of 476.13 feet to a point; thence South 17 degrees 56'00" West, for a distance of 159.89 feet to a point; thence South 00 degrees 54'15" East, for a distance of 580.52 feet to a point. The last three described courses being parallel to and 70 feet East of the East line of F.P.G. Subdivision, as recorded in Plat Book 107, at Page 76, of the Public Records of Miami-Dade County, Florida; thence South 37 degrees 32'50" East, for a distance of 50.54 feet to a point; thence South 61 degrees 00'05" East, for a distance of 824.58 feet to the point of intersection with the Easterly line of Tract 152, Central Miami Seaboard Section, according to the plat thereof as recorded in Plat Book 28, at Page 5 of the Public Records of Miami-Dade County, Florida; thence North 2 degrees 43'15" West, for a distance of 1,013.03 feet to a point; thence South 89 degrees 45'45" West, a for a distance of 330.95 feet to a point; thence North 2 degrees 37'30" West for a distance of 638.65 feet to a line parallel to and 35.00 feet South

of the North line of said Section 14; thence West along the line parallel to and 35.00 feet South of the North line of said Section 14, for a distance of 309.68 feet to the point of beginning. The last described four courses are contiguous with the Easterly and Northerly limits of said Tract 152; as shown on survey dated December 13, 1979, prepared by Biscayne Engineering Company, less and excepting therefrom the North 15.00 feet for roadway purposes, and less that part thereof replatted into Davidson Lumber Company Subdivision Plat recorded in Plat Book 117, at Page 1 of the Public Records of Miami-Dade County, Florida.

#### Parcel 2

All lands within the Subdivision of Davidson Lumber Company Subdivision recorded in Plat Book 117, at Page 1 of the Public Records of Miami-Dade County, Florida. The proposed dealership will open on or after May 1, 2005.

The name and address of the dealer operator of Tamiami Automotive Group, Inc. d/b/a Tamiami Chrysler Plymouth Jeep Eagle is Carlos Planas, 8250 South West 8th Street, Miami, Florida 33144. The names and addresses of the principal investors are Carive Motors, Inc., 8250 South West 8th Street, Miami, Florida 33144 and Automotive Investors, Inc., 8250 South West 8th Street, Miami, Florida 33144. The principal investor in Carive Motors, Inc. is Carlos Planas, 8250 South West 8th Street, Miami, Florida 33144. The principal investor in Automotive Investors, Inc. is Marclabe, Inc., 8250 South West 8th Street, Miami, Florida 33144. The principal investor in Marclabe, Inc. is Bernat Tagliaferro, 8250 South West 8th Street, Miami, Florida 33144. The notice indicates intent to permit the establishment of a dealership 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, and contesting the assertion of the exemption. 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 U.S. Mail to: G. E. Nevers, 10300 Boggy Creek Road, Orlando, FL 32824.

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, Polaris Sales Inc., intends to allow the establishment of Victory of South Florida, as a dealership for the sale of Victory Motorcycles, at 1733 N Powerline Road, Pompano Beach (Broward County) Florida 33069, on or after February 28, 2005.

The name and address of the dealer operator(s) and principal investor(s) Victory of South Florida are dealer operator: Walter J. Jakobowski, 1208 Orange Aisle, Fort Lauderdale, Florida 33315; Judith E. Jakobowski, 1208 Orange Aisle, Fort Lauderdale, Florida 33315; principal investor(s): Walter J. Jakobowski, 1208 Orange Aisle, Fort Lauderdale, Florida 33315; Judith E. Jakobowski, 1208 Orange Aisle, Fort Lauderdale, Florida 33315.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900, Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, VP Finance, CFO, Polaris Sales Inc, 2100 Highway 55, Medina, Minnesota 55340.

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.

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#### 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."

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF BATCHED APPLICATION RECEIPT  
AND**

**NOTICE OF TENTATIVE PUBLIC HEARINGS**

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Hospital Beds & Facilities review cycle with an application due date of March 16, 2005.

County: Volusia District: 4  
 CON #: 9831 Application Receipt Date: 3/16/2005  
 Facility/Project: Kindred Hospitals East, L.L.C.  
 Applicant: Kindred Hospitals East, L.L.C.  
 Project Description: Establish a long-term care hospital of up to 60 beds

County: Hillsborough District: 6  
 CON #: 9832 Application Receipt Date: 3/16/2005  
 Facility/Project: Tampa Bay Academy  
 Applicant: Youth & Family Centered Services of Florida, Inc.  
 Project Description: Establish an IRTF of up to 112 beds

County: Hillsborough District: 6  
 CON #: 9833 Application Receipt Date: 3/16/2000  
 Facility/Project: St. Joseph's Hospital, Inc.  
 Applicant: St. Joseph's Hospital, Inc.  
 Project Description: Establish an acute care hospital of up to 150 beds through the transfer of up to 150 acute beds from St. Joseph's Hospital

County: Hillsborough District: 6  
 CON #: 9834 Application Receipt Date: 3/16/2005  
 Facility/Project: Sun City Hospital, Inc.  
 Applicant: Sun City Hospital, Inc.  
 Project Description: Establish an acute care hospital of up to 150 beds

County: Brevard District: 7  
 CON #: 9835 Application Receipt Date: 3/16/2005  
 Facility/Project: Kindred Hospitals East, L.L.C.  
 Applicant: Kindred Hospitals East, L.L.C.  
 Project Description: Establish a long-term care hospital of up to 60 beds

County: Brevard District: 7  
 CON #: 9836 Application Receipt Date: 3/16/2005  
 Facility/Project: Holmes Regional Medical Center, Inc.  
 Applicant: Holmes Regional Medical Center, Inc.  
 Project Description: Establish an acute care hospital of up to 100 beds

County: St. Lucie District: 9  
 CON #: 9837 Application Receipt Date: 3/16/2005  
 Facility/Project: Martin Memorial Medical Center, Inc.  
 Applicant: Martin Memorial Medical Center, Inc.  
 Project Description: Establish an acute care hospital of up to 80 beds

County: Palm Beach District: 9  
 CON #: 9838 Application Receipt Date: 3/16/2005  
 Facility/Project: Bethesda Healthcare System, Inc.  
 Applicant: Bethesda Healthcare System, Inc.  
 Project Description: Establish an acute care hospital of up to 80 beds through the transfer of up to 80 beds from Bethesda Memorial Hospital

County: Broward District: 10  
 CON #: 9839 Application Receipt Date: 3/16/2005  
 Facility/Project: North Broward Hospital District  
 Applicant: North Broward Hospital District  
 Project Description: Establish an acute care hospital of up to 150 beds through the transfer of up to 150 beds from North Broward Hospital District's licensed beds

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: District 4  
 DATE/TIME: Tuesday, May 3, 2005 @ 10:00 a.m.  
 PLACE: Health Planning Council of N.E. Florida (Daytona Office), 101 South Palmetto Ave., Suite 5, Daytona Beach, FL 32114

PROPOSALS: District 6  
 DATE/TIME: Thursday, April 28, 2005 @ 9:00 a.m. (until noon)  
 PLACE: American Lung Association, 110 Carillion Parkway, St. Petersburg, FL 33716

PROPOSALS: District 7  
 DATE/TIME: Tuesday, May 3, 2005 @ 9:00 a.m.  
 PLACE: Health Council of East Central Florida, Inc., 1155 South Semoran Boulevard, Ste. 1111, Winter Park, FL 32792

PROPOSALS: District 9  
 DATE/TIME: Tuesday, May 3, 2005 @ 9:00 a.m.  
 PLACE: Clayton E. Hutchinson Agricultural Services Center, Mounts Building, Exhibit Hall "A", 531 N. Military Trail, West Palm Beach, FL 33415

PROPOSALS: District 10  
 DATE/TIME: Wednesday, April 27, 2005 @ 10:00 a.m. (until 2:00 p.m.)  
 PLACE: Broward Regional Health Planning Council, Inc., 915 Middle River Drive, Suite 115, Fort Lauderdale, FL 33304

Public hearing requests must be in writing and be received at the Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, attention Karen Rivera, by 5:00 p.m., April 15, 2005. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file.

Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by April 20, 2005.





On March, 18, 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 Kerry Matesic, R.N. license number RN 9185549. 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 March 18, 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 Hillary R. Linkins, R.N. license number RN 2916552. 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 March 21, 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 Bonnie Jones, R.N. license number RN 9203634. 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 March 21, 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 Crystal Myers, L.P.N. license number PN 5149236. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

**DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., April 22, 2005):

**APPLICATION TO MERGE**

Constituent Institutions: Peoples Bank, Palm Harbor, Florida and United Bank & Trust, St. Petersburg, Florida, and United Bank of the Gulf Coast, Sarasota, Florida

Resulting Institution: Peoples Bank

With Title: Synovus Bank of Tampa Bay

Received: March 21, 2005

**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN March 14, 2005  
 and March 18, 2005**

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

**DEPARTMENT OF BANKING AND FINANCE**

**Division of Banking**

|           |         |        |      |  |
|-----------|---------|--------|------|--|
| 3C-22.005 | 3/17/05 | 4/6/05 | 31/1 |  |
|-----------|---------|--------|------|--|

**Division of Finance**

|          |         |        |      |  |
|----------|---------|--------|------|--|
| 3D-1.006 | 3/17/05 | 4/6/05 | 31/1 |  |
|----------|---------|--------|------|--|

|          |         |        |      |  |
|----------|---------|--------|------|--|
| 3D-1.010 | 3/17/05 | 4/6/05 | 31/1 |  |
|----------|---------|--------|------|--|

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

|          |         |        |       |       |
|----------|---------|--------|-------|-------|
| 9B-3.047 | 3/14/05 | 4/3/05 | 30/13 | 30/26 |
|----------|---------|--------|-------|-------|

**PUBLIC SERVICE COMMISSION**

|          |         |        |       |  |
|----------|---------|--------|-------|--|
| 25-4.002 | 3/14/05 | 4/3/05 | 30/52 |  |
|----------|---------|--------|-------|--|

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| 25-4.003 | 3/14/05 | 4/3/05 | 30/52 |  |
|----------|---------|--------|-------|--|

|           |         |        |       |  |
|-----------|---------|--------|-------|--|
| 25-4.0185 | 3/14/05 | 4/3/05 | 30/52 |  |
|-----------|---------|--------|-------|--|

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|----------|---------|--------|-------|--|
| 25-4.023 | 3/14/05 | 4/3/05 | 30/52 |  |
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|----------|---------|--------|-------|--|
| 25-4.038 | 3/14/05 | 4/3/05 | 30/52 |  |
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|          |         |        |       |  |
|----------|---------|--------|-------|--|
| 25-4.066 | 3/14/05 | 4/3/05 | 30/52 |  |
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| 25-4.070 | 3/14/05 | 4/3/05 | 30/52 |  |
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| 25-4.072 | 3/14/05 | 4/3/05 | 30/52 |  |
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| 25-4.073 | 3/14/05 | 4/3/05 | 30/52 |  |
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| 25-4.0770 | 3/14/05 | 4/3/05 | 30/52 |  |
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| 25-4.080 | 3/14/05 | 4/3/05 | 30/52 |  |
|----------|---------|--------|-------|--|

|           |         |        |      |  |
|-----------|---------|--------|------|--|
| 25-24.515 | 3/16/05 | 4/5/05 | 31/5 |  |
|-----------|---------|--------|------|--|

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

**DEPARTMENT OF CORRECTIONS**

|            |         |        |      |  |
|------------|---------|--------|------|--|
| 33-401.601 | 3/17/05 | 4/6/05 | 31/6 |  |
|------------|---------|--------|------|--|

|            |         |        |      |  |
|------------|---------|--------|------|--|
| 33-601.605 | 3/18/05 | 4/7/05 | 31/7 |  |
|------------|---------|--------|------|--|

**DEPARTMENT OF THE LOTTERY**

|           |         |        |       |  |
|-----------|---------|--------|-------|--|
| 53-20.005 | 3/17/05 | 4/6/05 | 30/52 |  |
|-----------|---------|--------|-------|--|

**DEPARTMENT OF HEALTH**

**Board of Medicine**

|             |         |        |       |      |
|-------------|---------|--------|-------|------|
| 64B8-13.005 | 3/16/05 | 4/5/05 | 30/48 | 31/7 |
|-------------|---------|--------|-------|------|

**Board of Osteopathic Medicine**

|              |         |        |       |  |
|--------------|---------|--------|-------|--|
| 64B15-14.006 | 3/16/05 | 4/5/05 | 30/50 |  |
|--------------|---------|--------|-------|--|

**Board of Pharmacy**

|              |         |        |      |  |
|--------------|---------|--------|------|--|
| 64B16-28.201 | 3/16/05 | 4/5/05 | 31/3 |  |
|--------------|---------|--------|------|--|

|              |         |        |      |  |
|--------------|---------|--------|------|--|
| 64B16-28.202 | 3/16/05 | 4/5/05 | 31/3 |  |
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| 64B16-28.2021 | 3/16/05 | 4/5/05 | 31/3 |  |
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| 64B16-28.203 | 3/16/05 | 4/5/05 | 31/3 |  |
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| 64B16-28.900 | 3/16/05 | 4/5/05 | 31/4 |  |
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| 64B16-28.901 | 3/16/05 | 4/5/05 | 31/4 |  |
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| 64B16-28.902 | 3/16/05 | 4/5/05 | 31/4 |  |
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**Board of Psychology**

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| 64B19-17.002 | 3/14/05 | 4/3/05 | 30/45 | 31/7 |
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

|            |         |        |      |  |
|------------|---------|--------|------|--|
| 65E-5.100  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.110  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.115  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.120  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.130  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.1301 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.1302 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.1303 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.1304 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.1305 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.140  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.150  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.160  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.1601 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.1602 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.170  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.1703 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.180  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.190  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.200  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.210  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.220  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.230  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.2301 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.250  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.260  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.2601 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.270  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.280  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.2801 | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.285  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.290  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.300  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.310  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.320  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.330  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.350  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.352  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.353  | 3/15/05 | 4/4/05 | 31/2 |  |
| 65E-5.400  | 3/15/05 | 4/4/05 | 31/2 |  |

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

|            |         |        |       |      |
|------------|---------|--------|-------|------|
| 68A-15.063 | 3/18/05 | 7/1/05 | 30/53 | 31/8 |
| 68A-15.064 | 3/18/05 | 7/1/05 | 30/53 | 31/8 |

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

|           |         |        |       |  |
|-----------|---------|--------|-------|--|
| 69L-6.025 | 3/17/05 | 4/6/05 | 30/48 |  |
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**OIR Insurance Regulation**

|             |         |        |       |       |
|-------------|---------|--------|-------|-------|
| 69O-149.022 | 3/18/05 | 4/7/05 | 30/44 | 30/44 |
| 69O-154.203 | 3/18/05 | 4/7/05 | 30/48 |       |
| 69O-154.204 | 3/18/05 | 4/7/05 | 30/48 |       |
| 69O-203.201 | 3/18/05 | 4/7/05 | 30/44 | 31/3  |
| 69O-203.202 | 3/18/05 | 4/7/05 | 30/44 | 31/3  |
| 69O-203.203 | 3/18/05 | 4/7/05 | 30/44 | 31/3  |
| 69O-203.204 | 3/18/05 | 4/7/05 | 30/44 | 31/3  |

**Division of Banking**

|             |         |        |      |  |
|-------------|---------|--------|------|--|
| 69U-120.680 | 3/17/05 | 4/6/05 | 31/1 |  |
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**Division of Securities**

|             |         |        |      |  |
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| 69W-301.004 | 3/17/05 | 4/6/05 | 31/1 |  |
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| 5F-7.005   | 31/13             |                  |                  | 6E-2.002  | 30/39             |                  | 31/9w            |
| 5F-8.0012  | 31/10             |                  |                  | 6E-2.004  | 31/9              |                  |                  |
| 5F-8.002   | 31/10             |                  |                  | 6E-2.0042 | 31/9              |                  |                  |
| 5F-8.003   | 31/10             |                  |                  | 6E-2.0061 | 31/9              |                  |                  |
| 5F-8.004   | 31/10             |                  |                  |           | 31/13             |                  |                  |
| 5F-8.005   | 31/10             |                  |                  | 6E-3.002  | 30/34             |                  | 31/8             |
| 5F-8.0051  | 31/10             |                  |                  | 6G-1      | 30/52c            |                  |                  |
| 5F-8.009   | 31/10             |                  |                  |           | 31/6c             |                  |                  |
| 5F-8.012   | 31/10             |                  |                  | 6L-1.001  | 28/12             |                  |                  |
| 5F-8.014   | 31/10             |                  |                  | 6L-1.002  | 28/12             |                  |                  |
| 5F-8.0142  | 31/10             |                  |                  | 6L-1.004  | 28/12             |                  |                  |
| 5F-8.024   | 31/10             |                  |                  | 6L-1.005  | 28/12             |                  |                  |
| 5F-12.001  | 31/13             |                  |                  | 6L-1.006  | 28/12             |                  |                  |
| 5M-2.002   | 31/13             |                  |                  | 6L-1.007  | 28/12             |                  |                  |
| 5M-5.001   | 30/46             |                  | 31/8             | 6L-1.008  | 28/12             |                  |                  |
| 5M-5.002   | 30/46             |                  | 31/8             | 6L-1.009  | 28/12             |                  |                  |
| 5M-5.003   | 30/46             |                  | 31/8             | 6L-1.010  | 28/12             |                  |                  |
| 5M-5.004   | 30/46             |                  | 31/8             | 6L-1.011  | 28/12             |                  |                  |
| 5M-5.005   | 30/46             |                  | 31/8             | 6L-1.012  | 28/12             |                  |                  |
|            |                   |                  |                  | 6L-1.013  | 28/12             |                  |                  |
|            |                   |                  |                  | 6M-7.0055 | 30/26             |                  |                  |
|            | EDUCATION         |                  |                  |           | COMMUNITY AFFAIRS |                  |                  |
| 6A-1       | 31/12c            |                  |                  | 9BER05-1  |                   |                  | 31/6             |
| 6A-1.0014  | 31/6              |                  |                  | 9B-3.047  |                   |                  | 31/13            |
| 6A-1.0503  | 30/51             |                  | 31/8             |           |                   |                  | 31/13            |
| 6A-1.09441 | 31/6              |                  |                  |           |                   | 29/9             | 31/13            |
| 6A-3.0291  | 30/51             |                  | 31/7             |           | 30/13             | 30/26            | 31/13            |
| 6A-4.0021  | 31/11             |                  |                  |           |                   | 30/44            | 31/13            |
| 6A-4.003   | 30/42             | 31/5             | 31/11            |           |                   | 30/52            | 31/13            |
| 6A-4.02431 | 30/51             |                  | 31/8             |           |                   |                  |                  |
| 6A-6.080   | 16/30             |                  |                  | 9B-3.048  | 31/7              |                  |                  |
| 6A-10.044  | 31/2              |                  | 31/11            | 9B-3.049  | 31/7              |                  |                  |
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| 6A-10.060  | 31/5c             |                  |                  | 9B-70.001 | 31/7              |                  |                  |
| 6A-22.002  | 30/51             |                  | 31/7             | 9B-70.002 | 31/7              |                  |                  |
| 6A-22.004  | 30/51             |                  | 31/8             | 9B-72.005 | 30/26             |                  |                  |
| 6A-22.008  | 30/51             |                  | 31/8             | 9B-72.010 | 30/26             |                  |                  |
| 6A-22.009  | 30/51             |                  | 31/8             | 9B-72.030 | 30/26             |                  |                  |
| 6B-5.0012  | 31/11             |                  |                  | 9B-72.040 | 30/26             |                  |                  |
| 6C-7.0055  | 30/26             |                  |                  | 9B-72.045 | 30/26             |                  |                  |
| 6C5-1      | 31/12c            |                  |                  | 9B-72.050 | 30/26             |                  |                  |
| 6C9-8.1002 | Newspaper         |                  | 31/10            | 9B-72.060 | 30/26             |                  |                  |
| 6C10-7.004 | Newspaper         |                  | 31/9             | 9B-72.070 | 30/26             |                  |                  |
| 6D-7.006   | 31/4              |                  |                  | 9B-72.080 | 30/26             |                  |                  |
| 6D-12.002  | 30/46             |                  | 31/11            | 9B-72.090 | 30/26             |                  |                  |
| 6D-16.002  | 30/46             |                  | 31/11            | 9B-72.100 | 30/26             |                  |                  |
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|            | 31/13             |                  |                  | 9B-72.135 | 30/26             |                  |                  |
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|            | 31/10             |                  |                  | 9J-2.0252 | 31/5              |                  |                  |
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| 10M-9.026                                 | 22/1              |                  |                  | 14-51.040  | 30/38             |                  | 31/12            |
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|   |                   |                  |                  | 14-103.004   | 30/14             |                  |                  |
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|   |                   |                  |                  | 14-103.007   | 30/14             |                  |                  |
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|   |                   |                  |                  | 14-103.010   | 30/14             |                  |                  |
|   |                   |                  |                  | 14-103.011   | 30/14             |                  |                  |
|   |                   |                  |                  | <b>HIGHWAY SAFETY AND MOTOR VEHICLES</b>                   |                   |                  |                  |
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|   |                   |                  |                  | 15B-2.009  | 30/51             |                  |                  |
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|   |                   |                  |                  | 17-671.100   | 15/32             |                  |                  |
|   |                   |                  |                  | 17-671.200   | 15/32             |                  |                  |
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|   |                   |                  |                  | 17-671.310   | 15/32             |                  |                  |
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|   |                   |                  |                  | 19-8.010   | 31/6              |                  |                  |
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| 33-32.022      | 19/5              |                  |                  |                               |                   |                  |                  |
| 33-38.001      | 25/35             | 25/43            |                  | 38E-106.401                   | 24/1              |                  |                  |
| 33-38.003      | 25/35             | 25/43            |                  | 38F-8.055                     | 22/4              |                  |                  |
| 33-38.005      | 25/35             | 25/43            |                  | 38I-60.200                    | 20/7              |                  |                  |
| 33-38.006      | 25/35             | 25/43            |                  | 38K-1.0045                    | 23/27             |                  |                  |
| 33-38.009      | 25/35             | 25/43            |                  | WATER MANAGEMENT DISTRICTS    |                   |                  |                  |
| 33-38.010      | 25/35             | 25/43            |                  | 40B-1.901                     | 31/11             |                  |                  |
| 33-38.011      | 25/35             | 25/43            |                  | 40B-2.321                     | 30/22             | 30/36            |                  |
| 33-38.012      | 25/35             | 25/43            |                  | 40B-4.3040                    | 31/7              |                  |                  |
| 33-104.203     | 31/3              |                  | 31/11            | 40C-1.101                     | 27/52             |                  |                  |
| 33-203.201     | 31/10             |                  |                  | 40C-1.181                     | 20/18             |                  |                  |
| 33-204.003     | 31/1              |                  | 31/8             | 40C-4.091                     | 31/12c            |                  |                  |
| 33-204.111     | 27/29             |                  |                  |                               | 31/12c            |                  |                  |
| 33-208.501     | 31/5              |                  | 31/12            | 40C-400.201                   | 21/48             | 21/48            |                  |
| 33-208.503     | 31/5              |                  | 31/12            | 40D-1.202                     | 19/36             | 19/42            |                  |
| 33-208.504     | 26/16             | 26/25            | 31/12            | 40D-1.659                     | 31/9              |                  |                  |
|                | 31/5              |                  | 31/12            | 40D-2.091                     | 22/48             |                  |                  |
| 33-208.506     | 31/5              |                  | 31/12            | 40D-2.301                     | 22/48             |                  |                  |
| 33-208.507     | 26/16             |                  |                  | 40D-2.331                     | 20/48             |                  |                  |
|                | 31/5              |                  | 31/12            | 40D-3.505                     | 31/9              |                  |                  |
| 33-208.509     | 31/5              |                  | 31/12            | 40D-4.021                     | 31/9              |                  |                  |
| 33-208.510     | 31/5              |                  | 31/12            | 40D-4.091                     | 22/48             |                  |                  |
| 33-210.101     | 30/43             |                  |                  |                               | 25/3              |                  |                  |
| 33-210.101(22) | 30/49c            |                  | 31/6d            |                               | 31/9              |                  | 31/13w           |
| 33-301.605     | 31/7              |                  |                  | 40D-4.201                     | 21/22             |                  |                  |
| 33-302.104     |                   | 26/52            | 31/10w           | 40D-4.351                     | 31/9              |                  |                  |
|                | 30/43             | 31/2             | 31/10w           | 40D-6.521                     | 24/50             |                  |                  |
| 33-401.601     | 31/6              |                  | 31/13            | 40D-8.624                     | 31/13             |                  |                  |
| 33-601.230     | 29/19             |                  |                  | 40D-8.6240                    | 23/38             | 24/48            |                  |
| 33-601.304     | 30/48             |                  | 31/11            | 40D-40.381                    | 31/9              |                  |                  |
| 33-601.305     | 30/48             |                  | 31/11            | 40D-45.341                    | 19/42             | 20/3             |                  |
| 33-601.307     | 30/48             | 30/52            | 31/11            | 40D-116.002                   | 29/52             |                  |                  |
| 33-601.309     | 31/2              |                  | 31/11            | 40D-400.500                   | 31/9              |                  |                  |
| 33-601.313     | 30/48             |                  | 31/11            | 40D-602.221                   | 28/47             |                  |                  |
| 33-601.314     | 31/8              |                  |                  | 40E-1.510                     | 20/18             | 21/36            |                  |
| 33-601.601     | 31/13             |                  |                  | 40E-1.607                     | 19/43             |                  |                  |
| 33-601.604     | 31/10             |                  |                  | 40E-1.612                     | 20/18             | 21/36            |                  |
| 33-601.605     | 31/7              |                  | 31/13            | 40E-1.614                     | 20/18             | 21/36            |                  |
| 33-601.720     | 31/8              |                  |                  | 40E-3.011                     | 30/45             |                  | 31/10            |
| 33-601.722     | 31/10             |                  |                  | 40E-3.021                     | 30/45             |                  | 31/10            |
| 33-601.725     | 28/4              | 28/9             |                  | 40E-3.031                     | 30/45             |                  | 31/10            |
| 33-601.737     | 31/2              | 31/4             | 31/12            | 40E-3.032                     | 28/5              |                  |                  |
|                |                   | 31/6             | 31/12            |                               | 30/45             |                  | 31/10            |
| 33-601.738     | 26/48             | 27/38            |                  | 40E-3.035                     | 30/45             |                  | 31/10            |
| 33-601.800     | 26/32             | 26/49            | 31/9             | 40E-3.036                     | 30/45             |                  | 31/10            |
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|                |                   | 30/48            | 31/9             | 40E-3.038                     | 30/45             |                  | 31/10            |
|                |                   | 31/1             | 31/9             | 40E-3.039                     | 30/45             |                  | 31/10            |
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| 64I-1.001                    | 31/9              |                  |                  | 65E-5.330                                 | 31/2              |                  | 31/13            |
| 64V-1.018                    | 30/2              |                  |                  | 65E-5.350                                 | 31/2              |                  | 31/13            |
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| 65-1                         | 30/6c             |                  |                  | 65E-5.353                                 | 31/2              |                  | 31/13            |
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| 65A-1.7141                   | 30/48             | 31/12            |                  | 66B-1.006                                 | 31/3              |                  |                  |
| 65A-4.208                    | 31/6              |                  |                  | 66B-2.003                                 | 31/3              |                  |                  |
| 65A-4.213                    | 25/32             |                  |                  | 66B-2.004                                 | 31/3              |                  |                  |
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| 65A-15.0095                  | 26/4              |                  |                  | 66B-2.006                                 | 31/3              |                  |                  |
| 65B-6.014                    | 30/43             | 31/2             |                  | FLORIDA HOUSING FINANCE CORPORATION       |                   |                  |                  |
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| 65E-5.115                    | 31/2              |                  | 31/13            | 67-32.005                                 | 30/52             | 30/52            | 31/6             |
| 65E-5.120                    | 31/2              |                  | 31/13            | 67-32.006                                 | 30/43             | 30/52            | 31/6             |
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