

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code  
 RULE CHAPTER NO.: 5L-1

RULE TITLE: Shellfish Harvesting Area Standards  
 RULE NO.: 5L-1.003

PURPOSE AND EFFECT: This amendment proposes to change the seasons for the summer and winter shellfish harvesting areas of Apalachicola Bay, Franklin County, and amend the Indian Lagoon shellfish harvesting area, Gulf County. This amendment further proposes to reclassify shellfish harvesting area #1632 of Apalachicola Bay also known as Big Bayou.

SUBJECT AREA TO BE ADDRESSED: The proposed change of Apalachicola Bay and Indian Lagoon shellfish harvesting areas and area #1632 is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

TIME AND DATE: 5:00 p.m. – 7:00 p.m., Monday, April 25, 2005

PLACE: Department of Environmental Protection, Robert Howell Building, Estuarine Research Reserve, 261 7th Street, Apalachicola, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

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

**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: Correctional Probation Officers Carrying Firearms  
 RULE NO.: 33-302.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for carrying firearms and reloading devices, update training and qualification requirements, and delete unnecessary and obsolete language.

SUBJECT AREA TO BE ADDRESSED: Correctional Probation Officers carrying firearms on duty.

SPECIFIC AUTHORITY: 20.315, 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06, 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

- (1) No change.
- (2) Definitions.

(a) “Field supervision and investigation” refers to means that professional activity performed by correctional probation officers, supervisors and administrators which involves a personal presence in the community during which personal contact is made or is attempted with offenders and citizens regarding official agency matters in accordance with their responsibilities pursuant to Section 943.10(3), F.S.

(b) “Correctional probation officer” refers to means a person who is employed full time by the Department of Corrections whose primary responsibility is the supervised custody, surveillance, and control of assigned offenders and includes supervisory personnel whose duties include the supervision, training and guidance of correctional probation officers. This term does not include personnel above the level of regional director of community corrections ~~probation and parole~~.

(c) “Weapon Firearm card” refers to means the document issued by the department pursuant to this rule to a correctional probation officer who has been authorized by the department to carry a firearm while on duty.

(d) Reviewing authority, for the purpose of this rule, refers to staff who are authorized to review and approve requests to carry firearms, issue weapon firearm cards, maintain lists of

staff under their supervision who have been authorized to carry a firearm, and permanently remove or temporarily suspend authorization for staff to carry a firearm.

~~1. Circuit Administrators are the reviewing authority for Correctional Probation Officers up to the level of Deputy Circuit Administrator.~~

~~2. Regional Directors of probation and parole are the reviewing authority for Circuit Administrators and Deputy Regional Directors of probation and parole.~~

~~3. The Director of Community Operations or the Assistant Secretary for probation and parole is the reviewing authority for the Regional Directors of probation and parole.~~

(3) Authorization Procedures.

(a) In addition to the requirements of this rule, correctional probation officers who elect to carry firearms shall also be required to comply with Chapter Rule 33-209-103, F.A.C.

(b) Any correctional probation officer who elects to carry a firearm while on duty shall obtain authorization through the circuit administrator. Any circuit administrator or deputy regional director of community corrections probation and parole who elects to carry a firearm while on duty shall obtain authorization from the regional director of community corrections probation and parole. A regional director of community corrections probation and parole who elects to carry a firearm while on duty shall obtain authorization from the Assistant Secretary of Community Corrections director of community operations. A Deputy Assistant Secretary of Community Corrections who elects to carry a firearm while on duty shall obtain authorization from the Assistant Secretary of Community Corrections. The written request shall contain documentation that the individual has complied with the required training and qualification requirements provided in Chapter 33-209, F.A.C set forth in paragraph (e) below.

(c) Correctional probation officers who elect to carry firearms while on duty shall complete training and qualification requirements pursuant to Rule 33-209.103, F.A.C. Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and a weapon the firearm card has been issued. Initial qualification, annual re-qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted along with the documentation of training and qualification in the request for authority to carry the firearm. Correctional probation officers shall not be authorized to carry more than one firearm at a time. This approved single weapon shall be the only weapon authorized to be carried by the correctional probation officer until the annual qualification or transition training has been completed with a different weapon.

(d) If an officer temporarily or permanently replaces the firearm used for qualification, before carrying the weapon on duty the officer shall notify the department of the replacement and provide the model, make and serial number of the replacement firearm and proof of ownership and inspection to the reviewing authority. If the officer chooses to replace a revolver with a 9 millimeter semi-automatic firearm, the officer shall complete the department-approved semi-automatic firearm 9mm transition course. The officer shall ~~re-qualify~~ with the replacement weapon and provide proof of ownership and inspection to the reviewing authority. ~~Correctional probation officers shall not be authorized to carry more than one firearm at a time.~~

(e) Prior to approving a request to carry a firearm, the reviewing authority shall review the request, the documentation of training and qualification pursuant to Chapter Rule 33-209-103, F.A.C., and shall complete a Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) check on the firearm by serial number, and an FCIC/NCIC check on the applicant. Upon approval, the reviewing authority shall issue a weapon firearm card which establishes that the officer has been authorized to carry a specific firearm while on duty.

(f) The weapon firearm card shall expire twelve months after the date of the initial qualification the following year, on the last day of the month the firearms card was issued unless written documentation of annual re-qualification is submitted to the authorizing entity prior to the expiration of the weapon firearms card. The officer shall be required to successfully re-qualify within twelve months after the date of the initial qualification and every twelve months each year thereafter pursuant to Chapter Rule 33-209-103, F.A.C., and this rule in order to remain qualified to carry a firearm.

(g) Annual Re-qualification must occur prior to the employee's weapon firearm card expiration month date. The new weapon firearm card will be issued effective the date of the annual re-qualification. If the employee is unable to attend annual qualification training due to circumstances beyond the employee's control, the employee may, if approved by the reviewing authority, qualify with the weapon without being required to re-attend initial qualification training. The firearm card will expire the following year, on the last day of the month the firearms card was issued.

(h) The reviewing authority shall immediately suspend authorization to carry a firearm, except for firearm training purposes, and shall secure the weapon firearm card from any officer who has failed to re-qualify as of the card expiration month date. Suspension of the weapon card removes the officer's authority to carry a firearm while on duty. A correctional probation officer who attempts to re-qualify and fails shall be provided the opportunity to participate in remedial firearm training as specified in Chapter 33-209, F.A.C., at a time approved by the reviewing authority.

(i) No change.

(4) Carrying a Firearm While on Duty.

(a) Officers who elect to carry a firearm and who receive Department authorization to carry a firearm, are authorized to carry [The firearm, in accordance with Department standards, shall be carried by the officer only while on duty conducting field supervision and investigation. The firearm shall be carried in a holster about the waist or under the shoulder. All holsters that secure the firearm about the waist or under the shoulder shall be of a type which secures the firearm with a thumb break retainer. Only the authorized firearm may be carried.

(b) No change.

(c) Each probation office shall have a designated secure space containing a secure locker for storage of firearms, ~~ammunition, and reloading devices~~. Officers shall place their ~~holstered~~ firearms in the secure locker immediately upon entering the office. The firearm shall be removed from the locker at the conclusion of the duty day. No firearm shall be left in the probation office overnight.

(d) Any officer authorized to carry a firearm while on duty shall carry a Department of Corrections identification card and ~~weapon firearm authorization~~ card while carrying the firearm on duty. If the officer is carrying a firearm on duty, he or she shall display the Department of Corrections issued badge in plain view.

(5) No change.

(6) Firearm Type and Ammunition.

(a) ~~Correctional probation officers are authorized to carry a firearm shall only department approved firearms, ammunition and reloading devices be authorized to carry a five or six shot revolver of .38 or .357 caliber with a barrel length not to exceed four inches, or a 9 millimeter semi-automatic pistol, with the exception of weapons specified in Federal Firearms Regulations, 921(a)(30), as semi-automatic assault weapons.~~

(b) Each c[orrectional probation officers who completes initial or annual qualification shall be issued one box of duty ammunition to be used in his or her weapon of choice while on duty. This ammunition will be utilized by the officer in the following year's qualification. A correctional probation officer who elects to no longer carry a weapon, changes the type of weapon, or is no longer employed by the department shall immediately return department issued ammunition shall only be authorized to carry ammunition approved by the department for each respective weapon. All ammunition used for training, qualification, or re-qualification, must be approved by the range facility for use.

(c) Correctional probation officers are authorized to carry no more than two department approved reloading devices while carrying a firearm. ~~These reloading devices and all accompanying ammunition shall be stored in the same secure~~

~~locker as the officer's firearm immediately upon entering the office. Only that ammunition stored in a firearm or reloading device may be brought into an office.~~

(7) through (8) No change.

(9) Removal of Authorization to Carry a Firearm.

(a) The reviewing authority shall ~~permanently remove or temporarily~~ suspend the authorization to carry a firearm for a correctional probation officer if:

1. The correctional probation officer has exhibited behavior that indicates that the carrying of a firearm by this officer could present a threat to the security of other staff, offenders, or the general public, or the correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm safely;

2. The correctional probation officer has demonstrated an inability to properly care, maintain, handle or secure the firearm;

3. The correctional probation officer is found to have been negligent by failure to comply with those standards and procedures provided in the training required by Chapter 33-209, F.A.C., or and the standards set forth in this rule in the case of loss or theft of the firearm while on duty shall have the authorization to carry the firearm removed and shall be subject to disciplinary action in accordance with Chapter 33-208, F.A.C.

4. The correctional probation officer fails to complete annual re-qualification, ~~or~~

~~5. The correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm or other weapon safely.~~

(10) Care and Maintenance of Firearm.

(a) through (b) No change.

(c) If an officer finds that his or her firearm needs repair, it shall not be carried on duty or used for any reason. The officer shall advise his or her immediate supervisor of its condition and shall make arrangements to have it repaired.

(d) through (e) No change.

(11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History—New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03, 6-24-04, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Ambulatory Surgical Center Services  
 RULE NO.: 59G-4.020  
 PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference update January 2005 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook. The handbook update

contains the 2005 procedure codes and payment groups. The effect will be to incorporate in the rule update January 2005 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

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

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Melissa Vergeson, Medical Health Care Program Analyst, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004, updated January 2005, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, 1-10-05, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Hospice Services

RULE NO.: 59G-4.140

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference update January 2005 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The handbook update includes a reference to the nursing facility bed hold policy and the January 2005 fee schedule for direct care services provided by physicians. The effect will be to incorporate by reference update January 2005 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Hospice Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 2:00 p.m., Monday, April 25, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Claudia Treadwell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)410-1677

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.140 Hospice Services.

(1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, updated January 2005, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB 92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, 8-4-04, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Physician Services

RULE NO.: 59G-4.230

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update January 2005-2, to the Florida Medicaid Physician Services Coverage and Limitation Handbook. The handbook update contains the requirement that a physician must submit a Validation of the Physician Specialty Training form with the Medicaid fiscal agent in order to obtain a physician specialty code designation on the physician provider file. The update also contains revised critical care policies. The effect will be to incorporate by reference update January 2005-2, to the Florida Medicaid Physician Services Coverage and Limitation Handbook.

SUBJECT AREA TO BE ADDRESSED: Physician Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., Monday, April 25, 2005  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eleanor Cofer, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004, updated January 2005-1, and January 2005-2, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) To obtain a physician specialty code designation on the physician provider file with the Medicaid fiscal agent, the physician must submit a Validation of Physician Specialty Training form, which is included in the Medicaid Provider Enrollment Application, AHCA Form 2200-0003 (December 2004), which is incorporated by reference in Rule 59G-5.010, F.A.C. The Medicaid Provider Enrollment Application is available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History--New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 6-27-04, 8-3-04,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLES:	RULE NOS.:
Certification of Swimming Pool Structural Specialty Contractors	61G4-15.032
Certification of Swimming Pool Trim, Deck and Piping Specialty Contractors	61G4-15.033
Certification of Swimming Pool Finishes Specialty Contractors	61G4-15.034

PURPOSE AND EFFECT: The Board proposes the development of rules to address swimming pool specialty contractors.

SUBJECT AREA TO BE ADDRESSED: The Board propose new rules to address certification for swimming pool specialty contractors.

SPECIFIC AUTHORITY: 455.217, 489.108, 489.115(4), 489.113(6) FS.

LAW IMPLEMENTED: 455.217, 489.108, 489.115(4), 489.113(6) 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: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-15.032 Certification of Swimming Pool Structural Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of swimming pool structural specialty contractors for any residential and commercial swimming pool, spa or hot tub.

(2) Definition.

(a) A "Swimming Pool Structural Specialty Contractor" is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the layout, excavation, construction, installation and backfill of pool, spa or hot tub shells.

(b) The scope of work shall include and be limited to the layout, clearing of land of surface debris and vegetation; general leveling and grading of the site; the excavation and removal of excavated materials; the shaping and contouring of the excavation; construction and erection of concrete forms; the fabrication, placing and tying of steel reinforcing bars of any profile, perimeter, or cross-section which is used, intended or designed to be used to reinforce concrete, gunite, shotcrete or similar material in a pool or spa; shaping and shooting of gunite, shotcrete, concrete or similar product mix over the structural steel cage of the pool or spa; installation of prefabricated pool, spa or hot tub shells; operating of construction pumps for dewatering purposes. Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

(3) Certificate Procedures.

(a) Qualifications.

1. Any person who desires to become a swimming pool structural specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing and on a form provided by the Department.

2. A person shall be certified as a swimming pool structural specialty contractor if said person:

a. Is eighteen (18) years of age;

b. Is of good moral character;

c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c), F.S.; and

d. Takes and successfully completes the examination for certification as a swimming pool structural specialty contractor.

(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified swimming pool structural specialty contractors shall be the same as those provided for the certification of other contractors as set forth in Sections 489.109, 489.111(3), 489.113, F.S., and Rules 61G4-12.009 and 61G4-15.005, F.A.C. Applicants must also submit evidence of having met the requirements of paragraphs 61G4-15.003(2)(i) and 61G4-15.005(3)(a), F.A.C., for this specialty.

Specific Authority 455.217, 489.108, 489.115(4), 489.113(6) FS. Law Implemented 455.217, 489.108, 489.115(4), 489.113(6) FS. History—New

61G4-15.033 Certification of Swimming Pool Trim, Deck and Piping Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of swimming pool trim, deck and piping specialty contractors for any residential and commercial swimming pool, spa or hot tub.

(2) Definition.

(a) A “Swimming Pool Trim, Deck and Piping Specialty Contractor” is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the piping, placing of the deck and trim work for a pool, spa or hot tub.

(b) The scope of work shall include the design, layout and installation of ceramic tile and similar materials, and coping and other headpiece treatments used on pools, spas and hot tubs. This work includes decking, patios, aprons, walks, and ramps abutting or near pools, spas and hot tubs, including walls, fences and retaining walls. This work also includes the layout and installation of all perimeter, circulation and filter piping, and associated equipment, filters, chemical feeders, heaters and cleaners including controllers and valving. The scope of work does not include direct connections to a sanitary sewer system, potable water lines, electrical supply. Nothing in

this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

(3) Certificate Procedures.

(a) Qualifications.

1. Any person who desires to become a swimming pool trim, deck and piping specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing and on a form provided by the Department.

2. A person shall be certified as a swimming pool trim, deck and piping specialty contractor if said person:

a. Is eighteen (18) years of age;

b. Is of good moral character;

c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c), F.S.; and

d. Takes and successfully completes the examination for certification as a swimming pool trim, deck and piping specialty contractor.

(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified swimming pool trim, deck and piping specialty contractors shall be the same as those provided for the certification of other contractors as set forth in Sections 489.109, 489.111(3), 489.113, F.S., and Rules 61G4-12.009 and 61G4-15.005, F.A.C. Applicants must also submit evidence of having met the requirements of paragraphs 61G4-15.003(2)(i) and 61G4-15.005(3)(a), F.A.C., for this specialty.

Specific Authority 455.217, 489.108, 489.115(4), 489.113(6) FS. Law Implemented 455.217, 489.108, 489.115(4), 489.113(6) FS. History—New

61G4-15.034 Certification of Swimming Pool Finishes Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of swimming pool finishes specialty contractors for any residential and commercial swimming pool, spa or hot tub.

(2) Definition.

(a) A “Swimming Pool Finishes Specialty Contractor” is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the coating or plastering of a pool, spa or hot tub interior surfaces.

(b) The scope of work shall include and be limited to the coating or plastering of the interior surfaces of a pool, spa or hot tub with materials such as marcite, water type plaster, fiberglass or other similar use products designed to create a permanent surface coating. Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

(3) Certificate Procedures.

(a) Qualifications.

1. Any person who desires to become a swimming pool finishes specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing and on a form provided by the Department.

2. A person shall be certified as a swimming pool finishes specialty contractor if said person:

a. Is eighteen (18) years of age;

b. Is of good moral character;

c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c), F.S.; and

d. Takes and successfully completes the examination for certification as a swimming pool finishes specialty contractor.

(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified swimming pool finishes specialty contractors shall be the same as those provided for the certification of other contractors as set forth in Sections 489.109, 489.111(3), 489.113, F.S., and Rules 61G4-12.009 and 61G4-15.005, F.A.C. Applicants must also submit evidence of having met the requirements of paragraphs 61G4-15.003(2)(i) and 61G4-15.005(3)(a), F.A.C., for this specialty.

Specific Authority 455.217, 489.108, 489.115(4), 489.113(6) F.S. Law Implemented 455.217, 489.108, 489.115(4), 489.113(6) F.S. History—New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Annual Assessment on Gross Florida Payroll

RULE NO.: 61G7-5.002

PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Annual Assessment on Gross Florida Payroll.

SPECIFIC AUTHORITY: 468.522 FS.

LAW IMPLEMENTED: 468.526 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: John Knap, Executive Director, Employee Leasing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-5.002 Annual Assessment on Gross Florida Payroll.

(1) No change.

~~(2) In order to ensure compliance with the requirements of subsection (1), each employee leasing company or employee leasing company group shall annually submit a statement of total gross Florida payroll along with copies of all Florida Unemployment Compensation Tax returns (UCT-6) for the preceding calendar year and payment of the assessment levied under subsection (1). Every employee leasing company shall submit the statement of total gross Florida payroll and copies of all Florida Unemployment Compensation Tax returns (UCT-6) on or before April 1 of every year. Total gross Florida payroll shall be subject to independent verification by the Board with the Agency for Workforce Innovation, Division of Unemployment and shall also be subject to audit by the Board.~~

(3) through (4) renumbered (2) through (3) No change.

Specific Authority 468.522 FS. Law Implemented 468.526 FS. History—New 7-15-92, Formerly 21EE-5.002, Amended 4-25-94, 6-10-96, 6-22-98, 7-11-00, 9-5-04, 3-27-05.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Disciplinary Guidelines

RULE NO.: 61G7-7.001

PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 468.522 FS.

LAW IMPLEMENTED: 468.531, 468.532, 455.227 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Employee Leasing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLES: Continuing Professional Education

RULE NOS.: 61H1-33.003

CPA Ethics Courses – Standards for

Approval of Courses 61H1-33.00342

PURPOSE AND EFFECT: The Board is amending or promulgating the above rules pursuant to Section 473.312(1), F.S., to set out requirements and standards of approval for the ethics courses to be offered by the continuing education providers.

SUBJECT AREA TO BE ADDRESSED: Obligations of CPA Ethics Course Continuing Education Providers; and CPA Ethics Course – Standards for Approval of Courses.

SPECIFIC AUTHORITY: 120.55(1)(a)4., 455.2177, 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.2177, 455.2178, 455.2179, 473.312(1)(a),(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.003 Continuing Professional Education.

(1)(a) In any given reestablishment period, each certified public accountant must have completed at any time or times during the two-year period, at least 80 hours of educational instruction or training in public accounting subjects or courses of study, as defined hereinafter, of which at least 20 hours must have been in accounting-related and/or auditing-related subjects and of which no more than 20 hours may be in behavioral subjects and at least four hours shall be in ethics beginning with the reestablishment period ending June 30, 2006.

(b) No change.

(2) through (3)(b)4. No change.

(c) The ethics courses shall consist of:

1. A review of Chapters 455 and 473, F.S., and the related administrative rules.

2. The ethics course may include other subjects including but not limited to: ethical conduct, core values and competencies, professional responsibility, responsibility to clients and the public, case studies that require the application of ethics principles, national professional standards and interpretations, and appropriate national issues related to the practice of accounting;

(d)(e) No change.

(4) through (7) No change.

Specific Authority 120.55(1)(a)4., ~~455.2177, 455.7178, 455.2179, 473.304, 473.312~~ FS. Law Implemented ~~455.2177, 455.2178, 455.2179, 473.312(1)(a),(c)~~ FS. History–New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01,

61H1-33.00342 CPA Ethics Courses – Standards for Approval of Courses.

(1) In order to meet the requirements of paragraph 61H1-33.0032(3)(b), F.A.C., each approved CPA Ethics Course Provider shall submit a syllabus of each ethics course for which it seeks Board approval. The syllabus shall include a description of the manner by which the course (including its various components) meets the requirements of this Rule.

(2) The syllabus of the course shall include the following:

(a) A description of each subject to be covered during the presentation of the course with the estimated time to be spent addressing each subject, the individual(s) who will be responsible for presenting each subject, a listing of the sources (through a bibliography or notes) from which the course material addressing each subject is drawn, and any tests, quizzes or exercises provided during the offering of the course;

(b) The manner in which the course complies with the requirements of Section 473.312(1)(c), F.S. In order to meet this requirement the course shall be limited to addressing the ethical and professional responsibilities of CPA's with emphasis on ethical conduct, core values and competencies, professional responsibility, responsibility to clients and the public, case studies that require the application of ethics principles, national professional standard and interpretations, and appropriate national issues related to the practice of accounting. Practice-oriented programs are preferred insofar as such programs involve the CPA in the process of the practice of public accountancy. Courses should be structured to confront the question, "How will you handle this situation when it occurs in your practice?"

(c) The course shall include a review of Chapters 455 and 473, F.S., and the related administrative rules;

(3) A provider may meet the requirements set forth herein through various generally accepted methodologies. Thus, lectures, case studies, discussion groups, interactive studies and other recognized methods may be utilized. Additionally, providers may target specific areas of CPA practice in each course submitted for approval. A provider may offer a course module which, for example, addresses CPA ethics and professionalism in Tax Practice or Managerial Accounting as well as other areas of practice.



(4) Upon receipt of the syllabus required in subsection 61H1-33.0342(2), F.A.C., the Board will review the course to determine whether it complies with this Rule, the provisions of Section 473.312(1), F.S., and the CPA Ethics Provider Rules set forth in Chapter 61H1-33, F.A.C. If the Board rejects a course in whole or in part, a provider will be offered the option of modifying the course or withdrawing the course and resubmitting the course for approval. However, all courses submitted for approval must be submitted at least sixty days (60) prior to either the ending of the provider's approval as a CPA Ethics Course Provider as set forth in Rule 61H1-33.00341, F.A.C., or when the course will be taught-whichever occurs earlier.

Specific Authority 120.55(1)(a)4, 455.2177, 455.7178, 455.2179, 473.304, 473.312 FS. Law Implemented 455.2177, 455.2178, 455.2179, 473.312(1)(a),(c) FS. History—New \_\_\_\_\_.

**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 Acupuncture**

RULE TITLE: Probable Cause Determination  
 RULE NO.: 64B1-9.004

PURPOSE AND EFFECT: The purpose and effect is to remove some unnecessary provisions ,specify the membership of the panel and to specify who is empowered to convene a probable cause panel meeting.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Determination.

SPECIFIC AUTHORITY: 456.073(4) FS.

LAW IMPLEMENTED: 456.073(4) FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: List of Approved Forms; Incorporation  
 RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the revised Physician Assistant Licensure Application into the rule.

SUBJECT AREA TO BE ADDRESSED: Revised form for incorporation by reference.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (27) No change.

(28) DH-MQA 2000, entitled "Application for Licensure as a Physician Assistant," (3/05) ~~(3/02)~~.

(29) through (31) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, \_\_\_\_\_.



**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE TITLES:	RULE NOS.:
Definitions	64B15-6.001
Physician Assistant Licensure Renewal	64B15-6.0035
Citation Authority	64B15-6.01051

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the definition of "active practice" in Rule 64B15-6.001, F.A.C. In addition, the Board proposes an amendment to Rule 64B15-6.0035, F.A.C., to clarify criteria for CME credit. Finally, in Rule 64B15-6.01051, F.A.C., the Board proposes the development of a rule amendment to increase the fine for failure to report a change in supervisor.

SUBJECT AREA TO BE ADDRESSED: Definitions, clarification of credit for CME, and fines for citation violations.

SPECIFIC AUTHORITY: 456.031, 456.033, 456.077, 459.005 FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033, 456.077, 459.015, 459.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLES:	RULE NOS.:
Penalties	64B18-14.002
Citations	64B18-14.010

PURPOSE AND EFFECT: The purpose of the amendment to Rule 64B18-14.002, F.A.C., is to add penalties for not submitting or updating required information within the 45 day time limit. The purpose of the amendment to Rule 64B18-14.010, F.A.C., is to add penalties for failure to comply with Section 456.039(3)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: Penalties.

SPECIFIC AUTHORITY: 456.078, 456.079(1), 461.005, 461.013(4) FS.

LAW IMPLEMENTED: 456.039(3)(b), 456.057, 456.062, 456.072, 456.077, 456.079, 456.012, 461.013(4), 461.013(7) 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: Joe Baker, Executive Director/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B18-14.002 Penalties.

(1) No change.

(2) Unless mitigating or aggravating factors are demonstrated when the Board finds an applicant or licensee whom it regulates under Chapter 461, F.S., has committed any of the acts set forth in either Sections 461.013(1), 456.013(7), 456.033, 456.053, 456.062, 456.067 or 456.072, F.S., it shall issue a final order imposing appropriate penalties based on the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) through (qq) No change.

(rr) Failure to submit or update required information within 45 days. The Board shall impose a penalty ranging from a reprimand up to probation plus a fine from \$2,500.00 to \$5,000.00.

Specific Authority 456.072, 456.073(3), 456.079, 461.003, 461.005, 461.013 FS. Law Implemented 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS. History--New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-68, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97, 8-24-00, 8-13-02, 4-26-04, \_\_\_\_\_

64B18-14.010 Citations.

(1) through (2) No change.

(3) The following violations may be disposed of by the Department by citation with the specified penalty:  
VIOLATIONS PENALTY

(a) through (i) No change.

(j) Failure to comply with Section 456.039(3)(b), F.S., a fine of \$50.00 per day up to \$2,500.00.

(4) through (5) No change.

Specific Authority 456.072, 461.005 FS. Law Implemented 456.057, 456.072, 456.077, 461.012, 461.013(7) FS. History--New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended 11-23-00, 8-13-02, 7-26-04, \_\_\_\_\_

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: RULE NO.:

Procedures for Approval of Attendance 64B32-6.004  
 at Continuing Education Courses

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

SUBJECT AREA TO BE ADDRESSED: Procedures for Approval of Attendance at Continuing Education Courses.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: RULE NO.:

Provider Approval and Renewal Procedures 64B32-6.005

PURPOSE AND EFFECT: The Board proposes to address the existing substantive language in subsections (8) and (9).

SUBJECT AREA TO BE ADDRESSED: Provider Approval and Renewal Procedures.

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

LAW IMPLEMENTED: 456.025(7), 468.361(3) FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as it can be heard, April 22, 2005

PLACE: The Renaissance Hotel, 1617 South East 17th Street, Ft. Lauderdale, FL 33316

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

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

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR Insurance Regulation**

RULE TITLE: RULE NO.:

Premium Schedule Applicable to "Truth 69O-186.005  
 in Lending" and Other Endorsements

PURPOSE AND EFFECT: The purpose is to clarify the rule. This will make the rule easier to understand and more effective for the industry.

SUBJECT AREA TO BE ADDRESSED: Title Insurance.

SPECIFIC AUTHORITY: 624.308, 627.777, 627.782 FS.

LAW IMPLEMENTED: 624.307(1), 627.777, 627.782, 697.04(1) FS.

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

TIME AND DATE: 9:30 a.m., April 29, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anne Ivory, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: Anne.Ivory @fldfs.com

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

## Section II Proposed Rules

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Community Planning**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

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

RULE TITLES:                                      RULE NOS.:

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

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

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

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

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

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

Action to Review Land Development Regulations                      9J-11.020

PURPOSE, EFFECT AND SUMMARY: To revise the rule to conform to current statutory requirements.

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

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

IF REQUESTED 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: 9:15 a.m. – 10:15 a.m., May 2, 2005

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

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact: Ray Eubanks, Plan Review Administrator, Division of

Community Planning, Plan Review and Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1767, Suncom 292-1967, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

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

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

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

(d) No change.

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

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

(1) No change.

(a) through 1. No change.

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

3. through 7.d. No change.

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

f. through i. No change.

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

k. through r. No change.

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

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

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

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

8. through (3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(6),(9), 163.3184(1),(2),(3),(15), 163.3187(1),(2),(5), 163.3191, 369.321(5), 380.06(6) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-2001, 11-24-02,\_\_\_\_\_.

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

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

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

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

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

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

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

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

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

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

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

6. through (10) No change.

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

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

(1) No change.

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

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

9J-11.020 Action to Review Land Development Regulations.

(1) No change.

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

(3) through (4) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Ray Eubanks, Plan Review Administrator, Division of  
 Community Planning, Plan Review and Processing Unit, 2555  
 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Valerie J. Hubbard, Director,  
 Division of Community Planning, 2555 Shumard Oak  
 Boulevard, Tallahassee, Florida 32399-2100  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: February 16, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: February 25, 2005

**BOARD OF TRUSTEES OF THE INTERNAL  
 IMPROVEMENT TRUST FUND**

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

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Application  
 RULE NO.: 19B-4.001  
 PURPOSE AND EFFECT: To update the Florida Prepaid  
 College Plan and Florida College Investment Plan New  
 Account Application form by reference.  
 SUMMARY: This rule change is being made to update the  
 Florida Prepaid College Plan and Florida College Investment  
 Plan New Account application.  
 SUMMARY OF STATEMENT OF ESTIMATED  
 REGULATORY COST: None prepared.  
 Any person who wishes to provide information regarding the  
 statement of estimated regulatory costs or to provide for a  
 lower costs regulatory alternative must do so within 21 days of  
 this notice.  
 SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.  
 LAW IMPLEMENTED: 1009.98 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF  
 THIS NOTICE, A HEARING WILL BE HELD AT THE  
 TIME, DATE AND PLACE SHOWN BELOW (IF NOT  
 REQUESTED, THIS HEARING WILL NOT BE HELD):  
 TIME AND DATE: 2:00 p.m., May 2, 2005  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage  
 Boulevard, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE  
 PROPOSED RULE IS: Thomas J. Wallace, Executive  
 Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee,  
 Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.  
 (1) No change.  
 (2) The Florida Prepaid College Plan and Florida College  
 Investment Plan New Account Application, Form No. FPCB  
~~2005-1~~ ~~2004-1~~, is hereby incorporated by reference and may be  
 obtained from the Board by calling 1-800-552-GRAD (4723)  
 (prompt 1). The Florida Prepaid College Plan Program Master  
 Covenant, Form No. FPCB 2004-2, is hereby incorporated by  
 reference and may be obtained from the Board by calling  
 1(800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98 FS.  
 History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001,  
 Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99,  
 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Prepaid College Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Florida Prepaid College Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: December 9, 2004  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: March 25, 2005

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: Application for Participation in the Program  
 RULE NO.: 19B-16.002  
 PURPOSE AND EFFECT: To update the Florida Prepaid  
 College Plan and Florida College Investment Plan New  
 Account Application form by reference.  
 SUMMARY: This rule change is being made to update the  
 Florida Prepaid College Plan and Florida College Investment  
 Plan New Account Application form.  
 SUMMARY OF STATEMENT OF ESTIMATED  
 REGULATORY COST: None prepared.  
 Any person who wishes to provide information regarding the  
 statement of estimated regulatory costs or to provide for a  
 lower costs regulatory alternative must do so within 21 days of  
 this notice.  
 SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.  
 LAW IMPLEMENTED: 1009.981 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF  
 THIS NOTICE, A HEARING WILL BE HELD AT THE  
 TIME, DATE AND PLACE SHOWN BELOW (IF NOT  
 REQUESTED, THIS HEARING WILL NOT BE HELD):  
 TIME AND DATE: 2:00 p.m., May 2, 2005  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage  
 Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB ~~2005-1~~ ~~2004-1~~, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04,\_\_\_\_\_.

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB ~~2005-4~~ ~~2004-4~~, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981(2) FS. History--New 11-27-02, Amended 12-28-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2004

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2004

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

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

**STATE BOARD OF ADMINISTRATION**

**DEPARTMENT OF CORRECTIONS**

**Florida Prepaid College Board**

RULE TITLE: Participation Agreement  
PURPOSE AND EFFECT: To update the Participation Agreement for the Florida College Investment Plan by reference.

RULE TITLES: Staff Development – Definitions  
Minimum Training Requirements  
Professional Certification and Licensure Requirements

SUMMARY: This rule change is being made to update the Participation Agreement for the Florida College Investment Plan.

RULE NOS.: 33-209.101  
33-209.102  
33-209.1025  
33-209.103  
33-209.104  
33-209.105  
33-209.106

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

SUMMARY: The proposed rules provide minimum training requirements for staff and specific training requirements for correctional officers, correctional probation officers and other identified staff; establish a single weapons card to document all qualifications with firearms and restraint devices; require remedial training in the event of negligent, careless or unsafe handling of firearms; clarify conditions for officers to take approved specialized training for specific purposes; provide for authorization of employees to attend training at the employee's expense upon request of the employee when department resources are unavailable; clarify standards for successful

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

LAW IMPLEMENTED: 1009.981(2) FS.

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

TIME AND DATE: 2:00 p.m., May 2, 2005

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



completion of training; clarify process for procurement of training services; and provide new section addressing maintenance of professional certification and licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

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

IF REQUESTED 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: 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 RULES IS:

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

33-209.101 Staff Development – Definitions.

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

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

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

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

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

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

(7) “Commission” refers to the Criminal Justice Standards and Training Commission, the Governor-appointed Commission within the Department of Law Enforcement,

which has statewide responsibilities in the establishment, implementation and evaluation of criminal justice standards and training for all law enforcement officers, correctional officers and correctional probation officers.

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

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

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

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

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

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

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

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

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

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

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

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

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

Assistant Secretary for Community Corrections and approved by the Secretary. The primary firearm for a correctional officer inspector is the firearm designated by the Inspector General and approved by the Secretary.

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

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

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

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

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

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

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

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

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

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

33-209.102 Minimum Training Requirements.

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

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

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

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

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

(2) All clerical support staff shall:

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

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

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

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

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

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

(4) All part-time employees shall:

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

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

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

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

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

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

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

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

### 33-209.1025 Professional Certification and Licensure Requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33-209.104 Training Requests and Assignments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33-209.105 Training Attendance, Performance and Conduct.

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

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

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

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

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

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

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

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

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

33-209.106 Contracting for Training Services.

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

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

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

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

**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 and effect of this rulemaking will delete references to Works of the District permits contained within Chapter 40D-1, F.A.C.

SUMMARY: Chapter 40D-6, F.A.C. was repealed December 10, 2004 in its entirety to eliminate an obsolete and unnecessary regulatory requirement for Works of the District permits when activities affected a waterbody adopted by the District as a “Works”. Chapter 40D-1, F.A.C. contains references to Works of the District permits that will be deleted with this rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Chapter 40D-1, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 120.54(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 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. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.602 Permits Required.

Unless expressly exempt by law or District rule, the following permits shall be obtained from the District prior to commencement of the following activities:

(1) through (3) No change.

~~(4) A works of the District permit under Chapter 40D-6 must be obtained prior to connecting with, placing construction in or across, discharging into or otherwise making use of works of the District.~~

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

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.4136, 373.414, 373.418 FS. Law Implemented 373.106, 373.118, 373.171, 373.216, 373.219, 373.308, 373.323, 373.413, 373.4136, 373.416, 373.414, 373.418, 373.426, 380.06(9) FS. History—New 10-1-84, Amended 12-22-94, 10-16-96, 2-14-00, 9-26-02, \_\_\_\_\_.

40D-1.604 Bonds.

(1) The Board may require the applicant for a permit to furnish a bond made payable to the District and its successors, with a reputable bonding corporation authorized to do business in this State as surety, conditioned upon full compliance with

the terms of the permit, ~~including the proper construction, operation and maintenance of works of the District existing or planned.~~ The amount of the bond shall be in such amount as the Board shall determine to be adequate.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.085, 373.413, 373.416 FS. History—Readopted 10-5-74, Formerly 16J-0.13, Formerly 40D-1.391, Formerly 40D-1.1900, Amended \_\_\_\_\_.

40D-1.607 Permit Processing Fee.

(1) through (11) No change.

~~(12) The fee for a Works of the District permit application for activities reviewed pursuant to Chapter 40D-6 is \_\_\_\_\_.~~ \$1600.00

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, \_\_\_\_\_.

40D-1.608 Permit Fee Reduction for Certain Counties and Municipalities.

(1) through (4) No change.

(5) The certification shall be submitted at the time of application for a permit pursuant to Chapter 40D-2, 40D-4, ~~40D-6~~, 40D-40, or 40D-400, Florida Administrative Code.

(6) through (7) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 218.075 FS. History—New 12-22-94, Amended 10-19-95, 3-31-96, \_\_\_\_\_.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (12) No change.

~~(13) WORKS OF THE DISTRICT APPLICATION FOR PERMIT FORM 44.00-082 (6/00)~~

(14) through (15) renumbered (13) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.339, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-04-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, \_\_\_\_\_.

40D-1.1023 Emergency Authorization for Works of the District Permits.

~~(1) Permission to begin construction, alteration, repair, or operation of the work or works which require a permit under Chapter 40D-6, F.A.C., prior to the issuance of a permit may be~~

applied for in writing, when emergency conditions threaten public health, safety or welfare. However, no such permission shall be granted unless the proposed activity is already under consideration for a permit under Rule 40D-6.041, F.A.C.

~~(2) The Executive Director may grant the emergency authorization. The emergency authorization shall be presented to the Board for concurrence at its next meeting. The failure to receive the Board's concurrence shall invalidate the emergency authorization.~~

Specific Authority 120.54(5), 373.044, 373.113, 373.149, 373.171 FS., 61-691, Laws of Florida. Law Implemented 120.54(5), 373.084, 373.085 FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, Formerly 16J-1.14, Formerly 40D-6.451, Amended 7-2-98, 6-17-99, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Southwest Florida Water Management District  
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: August 3, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 1, 2005

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Hearing Services  
RULE NO.: 59G-4.110

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update January 2005-1 to the Florida Medicaid Hearing Services Coverage and Limitations Handbook. The handbook update contains the citation for the federal requirements for audiologists, a revised list of cochlear implant providers, and policy that a hearing screening performed in conjunction with a Child Health Check-Up cannot be billed separately. The update also includes a corrected January 2004 fee schedule. The effect will be to incorporate by reference in the rule update January 2005-1 to the Florida Medicaid Hearing Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule update January 2005-1 to the Florida Medicaid Hearing Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.  
LAW IMPLEMENTED: 409.906, 409.907, 409.908 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):  
TIME AND DATE: 10:00 a.m., Monday, May 2, 2005  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Ottinger, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004, updated January 2005-1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908 FS. History-New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, 7-27-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jason Ottinger  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Notice of Satisfactory Course Completion  
RULE NO.: 61J1-4.005

PURPOSE AND EFFECT: Bring this rule into compliance with other rules and post-licensing requirements.

SUMMARY: Revises the requirements for notices of satisfactory course completion and grade reports.



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: 475.613, 475.615, 475.617, 475.6175, 475.618 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: 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:

61J1-4.005 Notice of Satisfactory Course Completion.

(1) Applicants must submit, with the application for registration, licensure or certification a grade report as proof to the department that they have satisfactorily completed the applicable course(s) prescribed in Rule 61J1-4.001 or 4.002, Florida Administrative Code.

(2) An application for renewal of an existing designation shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). The department shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with ~~continuing~~ education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007 ~~and~~, 61J1-4.008; ~~and 61J1-4.009~~, Florida Administrative Code, or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) The grade report must be typed or printed in ink and must be completely filled out by the institution, school or entity certifying successful course completion. The grade report must also include the authorized signature of the school permit holder, chief administrative person or entity.

(4) The grade reports shall contain the following information for the type of course being completed:

(a) Preregistration, ~~Prelicensing~~ or Precertification Course For Appraiser

Name of School, Institution or Entity

Address of School, Institution or Entity

Course Title

Course Hours

Course Number

Provider Number

Start Date

Finish Date

Exam Date

Student's Name

Student's Address

Authorized Signature for the School, Institution or Entity

(b) Appraisers Continuing Education

Name of School, Institution or Entity

Address of School, Institution or Entity

Course Title

Course Hours

Course Number

Provider Number

Start Date

Finish Date

Registration, License or Certificate Number

Student's Name

Student's Address

Authorized Signature for the School, Institution or Entity

(c) Instructor Continuing Education

Name of School, Institution or Entity

Address of School, Institution or Entity

Course Title

Course Hours

Course Number

Provider Number

Start Date

Finish Date

Permit Number

Student's Name

Student's Address

Authorized Signature for the School, Institution or Entity

(d) Post Licensure Course For Appraiser

Name of School, Institution or Entity

Address of School, Institution or Entity

Course Title

Course Hours

Course Number

Provider Number

Start Date

Finish Date

Exam Date

Student's Name

Student's Address

Authorized Signature for the School, Institution or Entity

(5) Each grade report shall state:

The student named in this report has completed the referenced course in accordance with the requirements of the Florida Real Estate Appraisal Board.

(6) The original grade report is to be given to the student and a copy retained by the school.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.6175, 475.618 FS. History--New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, 3-31-02,\_\_\_\_\_.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 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 Dentistry

RULE TITLES: RULE NOS.:

Definitions 64B5-14.001

Application for Permit 64B5-14.005

PURPOSE AND EFFECT: The Board proposes the rule amendments to provide for a definition of a pediatric patient who is administered conscious sedation, and to require anesthesia permit holders to demonstrate training and actual clinical anesthesia practice. These amendments will strengthen the safe administration of anesthesia by dentists.

SUMMARY: The first rule amendment defines a pediatric patient for purposes of administration of conscious sedation as an individual under 18 years of age and any patient with

special health care needs as defined by the American Dental Association. The second amendment sets forth requirements for training and clinical practice prior to obtaining an anesthesia permit.

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

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

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-14.001 Definitions.

(1) through (4) No change.

(5) Pediatric Conscious Sedation – A depressed level of consciousness produced by the administration of pharmacologic substances, that retains a child patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation or verbal command. This modality includes administration of medication via all parenteral routes; that is intravenous, intramuscular, subcutaneous, submucosal, or inhalation, and all enteral routes; that is oral, rectal, or transmucosal. The drugs, doses, and techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely. For the purposes of this chapter, a child is defined as an individual under 18 years of age, and patients with special health care needs as defined by the American Dental Association weighing 60 lbs. or less.

(6) through (11) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New 1-31-80, Amended 4-7-86, Formerly 21G-14.01, Amended 12-31-86, 6-1-87, 9-1-87, 2-1-93, Formerly 21G-14.001, Amended 12-20-93, Formerly 61F5-14.001, Amended 8-8-96, Formerly 59Q-14.001, Amended 3-9-03, 11-4-03,\_\_\_\_\_.

64B5-14.005 Application for Permit.

(1) No change.

(2) An applicant for any type of anesthesia permit must demonstrate both:

(a) Training in the particular type of anesthesia listed in Rule 64B5-14.003, F.A.C.; and

~~(b) Documentation of actual clinical administration of anesthetics to 20 patients within two (2) years prior to application training and administration of the particular type of anesthesia within the two (2) years prior to application. This shall include documentation of actual clinical administration of anesthetics to 20 patients.~~

(3) through (8) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended 12-12-00, 11-4-03, 6-23-04,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 11, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR Insurance Regulation**

RULE TITLES: RULE NOS.:  
General Reporting Requirements 690-171.002  
Insurer Experience Reporting – Calendar Year Experience 690-171.008

PURPOSE, EFFECT AND SUMMARY: Rules 690-171.002 and 690-171.008, F.A.C., require insurers to report calendar year experience to the Office. The amendments eliminate outdated provisions which are no longer applicable and require the electronic filing of the information. The rules also eliminate language inconsistent with Florida law regarding the calculation of market share.

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) FS.

LAW IMPLEMENTED: 624.307(1), 627.915(2),(5),(6), 627.918(1) FS.

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

TIME AND DATE: 10:00 a.m., May 3, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: michael.milnes@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-171.002 General Reporting Requirements.

(1) ~~Forms~~ A copy of each form incorporated by reference in these rules are is available on the Office's website: <http://www.fldfs.state.fl.us> to the public from the Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Office of Insurance Regulation, Larson Building, Tallahassee, Florida.

(2) All filings shall be submitted electronically to <https://iportal.fldfs.com>. ~~Insurers may generate by computer process the required forms for reporting provided they are in the same unaltered format as the respective forms incorporated by reference in these rules. Computer generated forms must be compatible with the Office's electronic data processing equipment.~~

(3) All forms shall ~~are to~~ be filled out completely in accordance with their instructions. ~~If in the event~~ an insurer is without any data required by these rules to be reported, it shall nevertheless complete the prescribed form or forms by writing "none" in the appropriate spaces, and file the form or forms with the Office in the prescribed manner.

~~(4) All completed forms shall be submitted to the Office at the address in subsection (1), except as otherwise provided in these rules.~~

~~(4)(5)(a)~~ Any insurer or insurer group which does not write at least 1/2 percent of the Florida market, based on written premiums, shall not be required to complete and submit to the Office of Insurance Regulation the forms prescribed by Rule 690-171.008, F.A.C. Instead of completing form OIR-308 "Calendar Year Experience" as adopted in Rule 690-171.008, F.A.C., the insurer shall list each line of insurance that is less than 1/2 percent of the market and list the corresponding written premiums for each of these lines of insurance.

~~(b) For purposes of this rule the percentage of market shall be calculated by dividing the insurer's written premiums from the most recent calendar year by the total statewide written premium for the same calendar year for that line of insurance.~~

~~(b)(e)~~ In calculating the percentage of market, an insurer shall only use the figure for the preceding year's total premiums written in the state as compiled by the Office based upon the annual statements submitted by insurers insurance companies.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.915(5),(6), 627.918(1) FS. History--New 1-16-83, Amended 7-1-85, Formerly 4-59.09, 4-59.009, Amended 6-4-92, 1-2-02, Formerly 4-171.002, Amended \_\_\_\_\_.

69O-171.008 Insurer Experience Reporting – Calendar Year Experience.

(1) Any insurer authorized to transact fire, homeowner's, multiple peril, commercial multiple peril, medical malpractice, product liability, workers' compensation, private passenger automobile liability, commercial automobile liability, private passenger automobile physical damage, commercial automobile physical damage, directors' and officers', or other liability insurance shall report, for each such line of insurance, the information required by Section 627.915(2), Florida Statutes, or required by rule, ~~on by completing and submitting to the Office of Insurance Regulation the Form OIR-B1-308 (Rev. 07/03) "Calendar Year Experience", which is in accordance with the instructions provided therein hereby incorporated by reference, and is available and is to be completed and submitted on the Office's website:~~ http://www.fldfs.com/DI4-308.

(2) Reports for the preceding calendar year are due on or before April 1 of each year.

~~(3) Form OIR-308, "Calendar Year Experience", as amended, shall take effect on the amended date of this rule. Form OIR-308 is hereby incorporated by reference.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.915(2),(6), 627.918(1) FS. History--New 1-16-83, Amended 7-1-85, Formerly 4-59.07, Amended 6-15-88, Formerly 4-59.007, 4-171.008, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael Milnes, 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: March 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF STATE

#### Division of Cultural Affairs

RULE NO.:

RULE TITLE:

IT-1.001

Division of Cultural Affairs

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 31, No. 7 of the February 18, 2005 issue of the Florida Administrative Weekly.

IT-1.001 Division of Cultural Affairs.

(18) Programs for Individual Artists. The purpose of this program area is to foster the development of individual artists. There are two funding categories as outlined below:

(a) Individual Artist Fellowship Program. This program is designed to recognize the creation of new artworks by individuals of exceptional talent and demonstrated ability. Fellowship awards support the general artistic and career advancement of the individual artist.

1. To be eligible for a fellowship, an applicant must: be a legal resident of Florida, as defined by Section 196.015, Florida Statutes, or Section ~~222.17~~ 22-17, Florida Statutes, and agree to maintain Florida residency for the duration of the fellowship period; be at least 18 years of age; not be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period; have not received a fellowship award during the five-year period preceding the new award period; and not serve as a grant review panelist if he/she has an application before the same discipline panel.

2. Eligible applicants must submit a completed Fellowship application form (CA2E012, eff. 8/02, incorporated by reference and available from the Division, 1001 DeSoto Park Drive, Tallahassee, Florida 32301); with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced postmark deadline. Samples of work must be original and authentic representations of the applicant's work.

3. The panel reviews for the disciplines of dance, interdisciplinary, media arts, and folk arts are based on a combined rating of the following criteria: the quality and consistency in the body of work, as evidenced by each applicant's submission samples, professional achievements, reputation, and peer support and respect as evidenced through the application form and support materials. Folk art applicants are also evaluated on the "traditionality" of the art form.



(f)(e) DR-15EZN	Instructions for <u>2005</u> <del>2004</del> DR-15EZ Sales and Use Tax Returns (R. <u>01/05</u> <del>01/04</del> )	_____ <u>09/04</u>
(g)(f) No change.		
(h)(g) DR-15MO	<u>Florida Tax on Purchases</u> <del>Out-of-State Purchase</del> <del>Return</del> (R. <u>09/04</u> <del>06/04</del> )	_____ <u>08/02</u>
(i)(h) DR-15N	Instructions for <u>2005</u> <del>2004</del> DR-15 Sales and Use Tax Returns (R. <u>01/05</u> <del>01/04</del> )	_____ <u>09/04</u>
(i) DR-15SA	<del>Sales and Use Tax</del> <del>Return [Semi-Annual]</del> (R. <del>06/02</del> )	_____ <u>04/03</u>
(j) DR-15SAN	<del>Annual and Semiannual</del> <del>Sales and Use Tax</del> <del>Return Instructions</del> (R. <del>12/02</del> )	_____ <u>04/03</u>
(k) through (n) renumbered (j) through (m)	No change.	

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NO.: 12B-8.003  
 RULE TITLE: Tax Statement; Overpayments  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed amendments to Rule 12B-8.003, F.A.C., published in Vol. 31, No. 6, pp. 538-539, February 11, 2005, issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated March 21, 2005, Page 5 of Form DR-908N, Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return, has been changed, so that, when adopted, the second paragraph of Schedule IV, Computation of Salary Credit, will read as follows:

The term “salaries” does not include amounts paid as commissions. The term “employees” does not include independent contractors or any person whose duties require that the person hold a valid license under the Florida Insurance Code, except “adjusters”, “managing general agents” and “service representatives,” as defined in § 626.015, F.S.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facilities and Agency Licensing**

RULE NO.: 59A-8.0185  
 RULE TITLE: Home Health Agencies Personnel Policies

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 6, of the February 11, 2005, issue of the Florida Administrative Weekly. The changes are based upon written comments received by the Agency for Health Care Administration that testifying regarding communicable disease including tuberculosis is not within the statutory scope of practice for chiropractic physicians in Section 460.403(9)(a), Florida Statutes, and therefore, health care professionals licensed under 460 should not be added to paragraph 59A-8.0185(2)(a), F.A.C., as proposed. The Agency has reviewed the statutes and concurs with the comments.

The change is as follows:

59A-8.0185 Home Health Agencies Personnel Policies.

(2) Personnel policies for all full time and part-time employees shall include the following:

(a) Requirement that, prior to contact with patients the new employee must submit a statement from a health care professional licensed under Chapter 458 or 459 ~~or 460~~, F.S., a physician’s assistant, or an advanced registered nurse practitioner (ARNP) or a registered nurse licensed under Chapter 464, F.S., under the supervision of a licensed physician, or acting pursuant to an established protocol signed by a licensed physician, based on an exam within the last six months, that the employee is in reasonably good health and appears to be free from apparent signs or symptoms of a communicable disease including tuberculosis, pursuant to Section 381.0011(4), F.S. It is the responsibility of the agency to ensure that employees continue to appear to be in good health. If any employee is later found to have, or is suspected of having, a communicable disease, he shall be removed from duties until the administrator determines that such condition no longer exists. A new employee, who has been an employee of another licensed home health agency, may provide a copy of his health care statement from the files of the former employer provided that the statement was not issued more than 2 years prior and that the employee has not had a break in service of more than 90 days. Medical information is confidential and must not be disclosed without the specific consent of the person to whom it pertains. The written request to release medical information must be kept on file.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anne Menard, Supervisor, Home Care Unit, Bureau of Health Facility Regulation, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32399-3253, e-mail: menarda@ahca.myflorida.com.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

RULE CHAPTER NO.: 60A-1  
RULE NO.: 60A-1.016  
RULE CHAPTER TITLE: General Regulations  
RULE TITLE: Contract and Purchase Order Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule, as noticed in Vol. 31, No. 5, February 4, 2005 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE CHAPTER NO.: 60DD-8  
RULE NO.: 60DD-8.002  
RULE CHAPTER TITLE: Statewide Law Enforcement Radio System  
RULE TITLE: Third Party Subscriber Classifications; Application Process

**NOTICE OF CHANGE**

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to the proposed rules published in the Vol. 30, No. 51 (December 17, 2004) and Vol. 31, No. 8 (February 25, 2005) issues of the Florida Administrative Weekly:

60DD-8.002 Third Party Subscribers Classifications; Application Process.

(1) Third Party Subscribers shall be classified as follows:

(a) Local Law Enforcement and other First Responders – Agencies of local government and other Third Party Subscribers providing law enforcement, fire, and emergency medical services.

(b) Other Public Safety – Agencies of local government not directly involved with law enforcement.

(c) Interoperability Users – Local government agencies requiring communications with state or local government law enforcement agencies using the State interoperability talk groups, and having no more than twenty-five (25) subscriber radios on the system.

(d) State Government Users – Non-JTF User agencies of state government.

(e) Federal – Federal government entities that are authorized by the State Technology Office pursuant to 47 C.F.R. § 90.179 and the provisions of this rule chapter.

(f) Personnel that are task-assigned or liaison to a JTF Agency User in direct support of the JTF Agency User’s mission but are not a member of the JTF Agency User shall be classified as JTF Agency Users under this rule chapter, provided that all communication on the system is in direct coordination with the JTF Agency User. Separate internal talk groups set up strictly for the use of a non-JTF Agency User shall constitute eligible Third Party Subscriber use under this rule chapter. Such groups shall be subject to the same eligibility requirements and membership conditions as any Third Party Subscriber.

(2) Third Party Subscribers wishing to apply to use the Statewide Law Enforcement Radio System shall complete the Third Party Application and Agreement for access to the Statewide Law Enforcement Radio System (Form No. STO-SLERS-001, Effective - -), which hereby incorporated by reference. Form No. STO-SLERS-001 is available on line at www.myflorida.com or by writing to:

Statewide Law Enforcement Radio System  
System Manager  
State Technology Office  
4030 Esplanade Way, Suite 280P  
Tallahassee, Florida 32399-0950

(a) Upon receipt of the application, the State Technology Office will within 7 days notify the Contractor that the application has been received. The Contractor will then submit a proposal to the applicant and, upon Contractor and the applicant reaching agreement, submit the proposed agreement to the State Technology Office. The proposed agreement shall contain the proposed terms and conditions, proposed term of subscription, proposed radio coverage requirements, proposed site usage, necessary frequencies and licensing, an overview of equipment, overview of network operation, maintenance and reporting, and an analysis of traffic load impact to the system. The proposed agreement must include a proposed Statement of Responsibilities which defines roles and responsibilities of the Contractor, the Third Party Subscriber and the State Technology Office. For Local Law Enforcement and other First Responders, the proposed agreement shall include the plan to include the encrypted Interoperability talk groups in the Third Party Subscriber’s radios. The proposed agreement shall include a projection of the applicant’s growth and impact on the system in terms of additional radio users expected through the year 2020.

(b) After receipt of the proposed agreement, the State Technology Office will review the proposed agreement for compliance with paragraph 60DD-8.002(2)(a), F.A.C., and within 60 days provide the Contractor and applicant with recommendations, if any, regarding the proposed agreement. The State Technology Office shall review the proposed agreement with the Technical and Standard Operations Procedures Committees of the Joint Task Force on State Agency Law Enforcement Communications, and, if the applicant's use in no way diminishes the State's use of SLERS or the State's right to control its FCC licenses, present the proposed agreement to the Board of Directors of the Joint Task Force on State Agency Law Enforcement Radio Communications for its comments. If the State Technology Office makes recommendations regarding the proposed agreement, the Contractor shall prepare a final proposed agreement and resubmit the proposed agreement to the State Technology Office.

(c) The State Technology Office shall determine whether the final proposed agreement meets the following conditions:

1. The applicant meets the definition of a Third Party Subscriber in paragraph 60DD-8.001(1)(p), F.A.C.;
2. The proposed use of the system by the applicant will not cause the hourly average waiting time per call to exceed 0.5 seconds at any site;
3. The proposed use of the system by the applicant will not cause degradation to security or existing operations.

(d) If in response to a proposal the State Technology Office requests an applicant to provide radio frequencies for the system, the applicant shall submit with the final proposal a letter to the System Manager listing the frequencies and authorizing their use.

(e) Upon satisfactory completion of the procedures set forth in paragraphs 60DD-8.002(2)(a)-(d), F.A.C., the State Technology Office shall authorize third party use of the system by the applicant.

(3) Local Law Enforcement and other First Responders will be granted call priorities equivalent to those granted to State Law Enforcement Users. All other Third Party Subscribers shall have lower call priorities.

Specific Authority 282.106(16) FS. Law Implemented 282.1095 FS. History--New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Brooks, P.E., Manager, Statewide Law Enforcement Radio System, State Technology Office, 4030 Esplanade Way, Suite 280P, Tallahassee, Florida 32399-0950, (850)414-6768, Tom.Brooks@MyFlorida.com

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NOS.:	RULE TITLES:
61A-7.004	Annual Certification Requirements
61A-7.005	Triennial Renewal Requirements
61A-7.010	Penalty Guidelines for Chapter 386, Florida Statutes – Florida Clean Indoor Air Act
61A-7.013	Penalty Guidelines for Florida Statute 561.695 – Stand-Alone Bar Enforcement
61A-7.015	Appeals

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 41, October 10, 2003 and the first notice of change published in Vol. 30, No. 14, April 23, 2004, issues of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

61A-7.004 shall now read as follows:

A qualifying stand-alone bar receiving an “ss” or “ssf” designation shall file an annual affidavit, ~~DBPR ABT 6040~~, DBPR ABT 4000A-040, incorporated herein by reference, certifying that, on or before the licensee's annual beverage license renewal, for the preceding twelve months, no more than ten percent of total gross revenue was derived from retail sales of food consumed on the licensed premises. The percentage of food sales shall be computed by dividing gross revenues from the sale of food consumed on the premises by the gross revenue of the licensed premises. Failure to file an affidavit in compliance with Section 561.695(5), F.S. shall result in loss of designation.

Rule 61A-7.005 shall now read as follows:

Every third year after the initial designation, on or before the licensee's annual beverage license renewal, in order to renew the designation, a licensed vendor holding an “ssf” designation shall provide to the division a Procedures Report, prepared by a Florida certified public accountant, on DBPR Form ABT 4000A-400 and containing the license name, license number, physical location address, the owner of the license and the period of the report, along with the CPA company name, accountant name and signature and the accountant's license number with date of expiration. DBPR Form ABT 4000A-400, herein incorporated by this reference, effective 02-15-2005, may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, FL 32399-1022 or may be downloaded from the internet at ~~http://state.fl.us/dbpr/abt/contact/index.shtml~~ http://www.state.fl.us/dbpr/abt/forms/index.shtml.



The report must:

Provide the actual percentage of food sales for consumption on premises calculated pursuant to section (3) of this rule; and

(1) Provide information for the preceding 36-month period from the renewal date; and

(2) Provide the total gross sales revenue for each year, with a total for the 3-year period, as well as the total gross sales revenue from food for consumption on premises for each year and a total for the 3-year period, and the percentage of food sales for consumption on premises to total revenue for each year and for the 3-year period.

Rule 61A-7.010 shall now read as follows:

(1) This rule sets forth the penalties which shall be routinely imposed upon licensees who are supervised by the Division Alcoholic Beverages and Tobacco, Department of

STATUTE	VIOLATION	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE	EACH SUBSEQUENT OCCURRENCE
386	Failure to comply with Florida Clean Indoor Air Act within Florida Statute 386.	\$275	\$550	\$750	<u>\$1,750</u>

Rule 61A-7.013 shall now read as follows:

(1) This rule sets forth the penalties which shall be imposed upon licensees who are supervised by the Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation. Enforcement supervisors and bureau chiefs are authorized to accept settlement offers that do not deviate from the penalty guidelines. The penalties provided

Business and Professional Regulation. Enforcement supervisors and bureau chiefs are authorized to accept settlement offers that do not deviate from the penalty guidelines. The penalties below shall be assessed for violations occurring thirty days after a notice to comply is issued. If a person refuses to comply with this part after having been assessed such penalty the department may file a complaint in the circuit court of the county in which the enclosed indoor workplace is located to require compliance.

(2) The penalty guidelines set forth in the table that follows shall serve to provide field offices and licensees or permittees with penalties that the division will routinely impose for violations.

below are for violations one through three, within a two-year period, and a fourth or subsequent violation occurring anytime within the aforementioned time period or thereafter.

(2) The penalty guidelines set forth in the table that follows shall serve to provide field offices and licensees or permittees with penalties that the division will routinely impose for violations.

STATUTE	VIOLATION	FIRST OCCURRENCE	SECOND OCCURRENCE	THIRD OCCURRENCE	FOURTH OCCURRENCE	SUBSEQUENT OCCURRENCE
561.695	Failure to comply with stand-alone bar designation requirements within Florida Statute 561.695	Warning	\$500	Suspension of designation for 14 days and \$1000	60 days suspension of designation and \$2000	<u>Revocation</u>

STATUTE	VIOLATION	FIRST OCCURRENCE	EACH SUBSEQUENT OCCURRENCE
561.695(5)	Failure to file annual affidavit upon renewal	Loss of smoking designation	Loss of smoking designation

Rule 61A-7.015 shall now read as follows:

The procedure for appeal under Rule 61A-7, F.A.C., shall be as provided in Section 120.68, Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Renee Alsobrook, Chief Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Alcoholic Beverages and Tobacco**

RULE NOS.:	RULE TITLES:
61A-7.006	Records Required To Maintain the Designation
61A-7.007	Formula for Compliance With Required Percentage of Gross Food Sales Revenue
61A-7.008	For Percentage of Gross Alcohol Sales For Consumption on the Licensed Premises Revenue Formula
61A-7.009	Method Used to Determine Whether an Establishment is Predominately Dedicated to the Serving of Alcoholic Beverages

**NOTICE OF CORRECTION**

Notice is hereby given that the name of the person originating the proposed rule, the name of the supervisor or person who approved the proposed rule, the date proposed rule was approved, and the date the original notice of proposed rule development appeared in the F.A.W were all inadvertently omitted from the notice of proposed rule making published in the Florida Administrative Weekly on March 11, 2005 in Vol. 31, No. 10.

These corrections do not change the substance of the rule.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Mike Martinez, Special Counsel, Florida Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-0063

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

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** February 15, 2005

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

**RULE NO.:** 61G10-18.002  
**RULE TITLE:** Board Approval of Continuing Education Providers

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 43, of the October 22, 2004, Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its telephonic meeting held on January 26, 2005, in Tallahassee, Florida, determined that changes should be made to the rule.

When changed, subsection (2) shall read as follows:

(2) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following on Provider Approval Application form Number DBPR-LA-001 effective 3-23-05; adopted and incorporated herein by reference and copy of which can be obtained from the Board office:

(a) The name, address and telephone number and if available email address and fax number of the prospective provider;

(b) Type of organization applying: Accredited University, College or Community College; Vocational/Technical School; Private School; Professional Organization, Association or Independent Entity;

(c) A sample copy certificate of completion which the provider shall supply to all licensees who successfully complete courses given by the provider. The certificate of completion shall indicate on its face area, the provider name, the provider number, course title, course number, licensee name, licensee license number, date course was completed, total number of hours successfully completed in each subject covered during the continuing education course; and

(d) A non refundable application fee of \$ 250.

(e) A summary of qualifications to demonstrate compliance with subsection 61G10-18.002(1), F.A.C., including:

1. Whether applicant is an individual seeking provider status, a business entity seeking provider status, a professional organization seeking provider status, a governmental entity seeking provider status, or an educational facility seeking provider status.

2. The scope of applicant’s business.

3. The length of time the applicant has been in the business of offering continuing education courses.

4. The geographical size of business or professional organization e.g.. an international company or organization, a national company or organization, a regional company or organization, or a local company or organization.

5. Whether the applicant is directly or indirectly affiliated with the profession of Landscape Architecture. (i.e. An irrigation firm is directly affiliated; an insurance company is indirectly affiliated.)

6. Whether the applicant provides continuing education services to any other Boards, or to other professions.

7. If applicant is not a business, but an individual, please attach a curriculum vitae or resume listing applicant’s education and work experience.

A list of the above requested information is available for your convenience from the Board Office or may be printed from the Board Web Site at MyFlorida.com./dbpr.

Specific Authority 455.2124, 455.2179, 481.306, 481.313 FS. Law Implemented 455.2179, 481.313, 553.841 FS. History–New 9-19-01, Amended 6-6-02, 4-13-03,\_\_\_\_\_.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-1.016  
 RULE TITLE: Fees: Examination and Post-Examination Review

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 3, January 21, 2005, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

The text of the rule shall now read as follows:

64B-1.016 Fees: Examination and Post-Examination Review.

(1)(a) The following fees shall be assessed by the department to cover administrative costs, actual per-applicant costs, and costs incurred to develop, purchase, validate, administer, and defend the following department developed, administered, or managed examinations:

Exam Fees		
Profession	Exam	Exam Fee
Chiropractic Medicine	Physical Diagnosis	\$705.00
	Technique	\$120.00
	X-Ray	\$145.00
	Laws & Rules	\$70.00
Dental	Clinical	\$320.00
	Laws & Rules	\$75.00
Dental Hygiene	Clinical	\$405.00
	Laws & Rules	\$25.00
Electrolysis	National	\$150.00
Hearing Aid Specialist	National	\$300.00
Massage	Colonics	\$375.00
Nursing Home Administrator	Laws & Rules	\$300.00
	National	\$20.00
Opticianry	Practical	\$545.00
	Neutralization	\$190.00
Optometry	Clinical	\$1,100.00
	Pharmacology	\$245.00
	Laws & Rules	\$80.00
Osteopathic Medicine	National	\$2,750.00
	Laws & Rules	\$20.00
Physical Therapy	National	\$5.00
	Laws & Rules	\$20.00
Physical Therapist Assistant	National	\$5.00
	Laws & Rules	\$20.00
Psychology	Laws & Rules	\$200.00

(b) For those examinations administered by the computer based testing vendor, the candidate will be assessed a fee by the vendor.

(2) The department shall assess the following non-refundable post examination review fees to cover the actual cost to the department to provide the examination review:

Review Fees		
Profession	Exam	Review Fee
Chiropractic Medicine	Physical Diagnosis	\$100.00
	Technique	\$100.00
Dental	Clinical	\$125.00
Dental Hygiene	Clinical	\$100.00
Hearing Aid Specialist	National Clinical	\$150.00
Opticianry	Practical	\$75.00
	Neutralization	\$100.00
Optometry	Clinical	\$100.00
Physical Therapy	Laws & Rules	\$100.00
Physical Therapy Assistant	Laws & Rules	\$100.00

For those examinations administered through the department's contracted computer based testing vendor, the candidate will be assessed a fee by the vendor to conduct the post-examination review.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Weaver, Testing Services Manager, 4052 Bald Cypress Way, Bin #C90, Tallahassee, Florida 32399-1703

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-6.011  
 RULE TITLE: Performance of Pro Bono Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule, as noticed in Vol. 30, No. 4, January 23, 2004, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 48, November 24, 2004, Florida Administrative Weekly. A Notice of Change published in Vol. 31, No. 12, on March 25, 2005, shows the entire text, after changes were made, and does not isolate only those changes. This notice shows only the changes that are made.

## TEXT OF PROPOSED RULE CHANGES:

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

After an individual satisfies all non-financial and financial eligibility criteria for Hospice, institutional care services or Assisted Living waiver (ALW/HCBS), the department determines the amount of the individual's patient responsibility. This process is called "post eligibility treatment of income."

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

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

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

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

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

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

~~d. Be paid to the provider of services;~~

~~c.e. Not be a Medicaid compensable expense; and~~

~~d.f. Not be covered by the facility or provider per diem.~~

2. For services or items not covered by the Medicaid State Plan, the amount of the deduction will be the actual amount for services or items incurred not to exceed the highest of a payment or fee recognized by Medicare, commercial payers, or any other contractually liable third party payer for the same or similar service or item.

~~3.2.~~ Expenses for services or items received prior to the first month of Medicaid eligibility can only be used in the initial projection of medical expenses if the service or item was

provided during the three months prior to the month of application and is anticipated that the expense for the service or item will ~~to~~ recur in the initial projection period.

~~4.3.~~ For the initial projection period, the department will allow a deduction ~~for (a) the actual amount of health insurance premiums (prorated if paid less frequently than monthly) and (b) a deduction~~ for the anticipated amount of uncovered medical expenses incurred during the three months prior to the date of application, and that are recurring (reasonably anticipated to occur) expenses ~~expected to recur~~ in the initial projection period.

~~5.4.~~ Actual incurred and recognized expenses will be deducted in each of the three months prior to the Medicaid application month when an applicant requests three months prior Medicaid coverage and is eligible in the prior month(s).

~~6.5.~~ The initial projection period is the first day of the first month of ~~the client's~~ Medicaid eligibility beginning no earlier than the application month through the last day of the sixth month following the month of approval. A semi-annual review is scheduled for the fifth month after the month approved to evaluate the recipient's actual incurred medical expenses for the prior six months.

~~7.6.~~ For the semi-annual review, the department will request documentation of the recipient's actual incurred medical expenses for the prior six months.

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

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

~~8.7.~~ The steps in subparagraph (g)~~7.6.~~ above must be repeated for each semi-annual review.

~~9.8.~~ Recipients must report their uncovered medical expenses timely.

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

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

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

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

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

## Section IV Emergency Rules

### DEPARTMENT OF REVENUE

#### Miscellaneous Tax

RULE TITLES:	RULE NOS.:
Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods	12BER05-1
Department of Revenue Electronic Database	12BER05-2
Certification of Service Address Databases	12BER05-3
Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions	12BER05-4

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Communications Services Tax Simplification Law (Chapter 202, F.S.) requires that communications services dealers must collect and remit local communications services taxes based on the rate of the local taxing jurisdiction in which customer service addresses are located. The Department of Revenue is required to develop and maintain an electronic database in which local service addresses are assigned to local jurisdictions, and local governments are required to provide information for inclusion in the database. The initial electronic database has been developed, and the announcement concerning its availability and initial effective date was included in the April 5, 2002, issue of the Florida Administrative Weekly. Use of certain methods to assign service addresses, including use of a database that has been certified by the Department of Revenue as meeting statutory accuracy standards, entitles a dealer to a higher collection allowance and to protection against liability for taxes, interest, and penalties resulting from erroneous service address assignments. The promulgation of these emergency rules ensures the following: 1) that communications services tax dealers are informed of their obligations concerning the assignment of customer service addresses, of the methods of assigning addresses that will entitle dealers to protection against liability, and of the methods of assigning addresses that will entitle a dealer to a higher collection allowance; 2) that the procedures and forms for the Department and local governments to maintain the accuracy of the database on an on-going basis are immediately available; and 3) that the procedures and forms for application for certification by the Department of databases used by communications services tax dealers are available.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of emergency rules, and the renewal of such rules, to administer the provisions of the Communications Services Tax Simplification Law. Emergency rules are the most appropriate means of ensuring that local governments have procedures and forms in place to assure they can meet the statutory deadline to submit changes for inclusion in the next update of the Department of Revenue database. Emergency rules are also the most appropriate means for providing communications services dealers and others with procedures and forms to apply for certification of service address databases.

The Department of Revenue has sought comment on these emergency rules to the extent possible within the time restraints resulting from the statutory requirements.

SUMMARY OF THE RULES: Emergency Rule 12BER05-1 provides guidelines on: 1) the requirement that communications services dealers assign customer service addresses to local taxing jurisdictions; 2) the use of certain

databases to avoid liability for errors in customer service address assignments; 3) the due diligence standard applicable to dealers using databases that provide protection from liability for errors in assigning customer service addresses; and 4) the collection allowance available depending on the database used by a communications services dealer. Emergency Rule 12BER05-2 provides guidelines on: 1) the electronic customer service database maintained by the Department of Revenue; 2) the procedures for local taxing jurisdictions to request changes to the Department of Revenue database; and 3) procedures for any substantially affected person to object to the assignment of a customer service address in the Department of Revenue database. Emergency Rule 12BER05-3 provides guidelines on the standards and procedures for certification of a customer service address database developed by a communications services dealer or a vendor. Emergency Rule 12BER05-4 provides guidelines on the use of an enhanced zip code method to assign customer service addresses. These emergency rules also adopt and incorporate by reference four (4) forms required for administration of the Communications Services Tax Simplification Law and two (2) sets of instructions that are incorporated into the on-line Department of Revenue service address database. The forms are: DR-700012, "Application for Certification of Communications Services Database"; DR-700020, "Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax)"; DR-700022, "Local Communications Services Tax Notification of Jurisdiction Change"; and DR-700025, "Objection to Communications Services Tax Electronic Database Service Address Assignment." The on-line instructions incorporated by reference are the "Guide for Address Change Requests" and the "Instructions for Preparing and Submitting Customer Address Files for Certification Testing."

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4727

THE FULL TEXT OF THE EMERGENCY RULES IS:

12BER05-1 Assignment of Service Addresses to Local Taxing Jurisdictions; Liability for Errors; Avoidance of Liability Through Use of Specified Methods; Reduction in Collection Allowance for Failure to Use Specified Methods.

(1)(a) Dealers of communications services that are required to collect local communications services taxes must assign each customer service address to a specific local taxing jurisdiction for purposes of determining the appropriate local communications services tax rate to be applied to sales made to that address. Local communications services taxes must be collected and remitted for each service address in accordance with the service address assignments in the latest version of the

communications services tax Address/Jurisdiction Database, which is the electronic database maintained by the Department that is updated and adopted every January 1 and July 1, as discussed in Emergency Rule 12BER05-2. Except as otherwise provided in subsection (2), a dealer is liable for any additional local communications services taxes, interest, and penalties that are due as a result of assigning service addresses to incorrect local taxing jurisdictions when the correct local taxing jurisdiction's tax rate exceeds the incorrectly assigned local taxing jurisdiction's tax rate.

(b) In determining the liability for any additional local communications services taxes, interest, and penalties of a dealer who has failed to assign a service address to the correct local taxing jurisdiction, the Department will take into account any amount of local communications services tax that was collected and erroneously assigned by the dealer to another local taxing jurisdiction. The Department will reallocate and redistribute such amounts between the local taxing jurisdictions involved to apply the payment of any additional local communications services taxes to the correct local taxing jurisdiction. Interest and penalties will be applied only to the additional local communications services taxes due on the sale after crediting the dealer with the amount of local communications services tax collected that was erroneously based on an assignment to an incorrect local taxing jurisdiction.

(2)(a) A dealer will not be liable for any additional local communications services taxes, interest, or penalty due solely because of an error in assigning a service address to a local taxing jurisdiction if the dealer exercised due diligence in employing one of the following methodologies in assigning that service address:

1. The Address/Jurisdiction Database;

2. A database that has been certified by the Department, as provided in Emergency Rule 12BER05-3;

3. An enhanced zip code method, as discussed in Emergency Rule 12BER05-4; or

4. A database that, upon audit by the Department, is determined to have met the accuracy rate criterion required for certification under Emergency Rule 12BER05-3, at the time of the sale on which local communications services taxes are due.

(b) A dealer must timely notify the Department of the method or methods to be used in assigning service addresses on form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (R. 05/02, hereby incorporated by reference). If a dealer changes the method or methods to be used, the dealer must notify the Department on form DR-700020 of the change in method or methods and of the effective date of the change.

(c) Due Diligence. In order to avoid liability for any additional local communications services tax, penalty, and interest resulting from errors in the assignment of customer service addresses to local taxing jurisdictions under paragraph

(a), a dealer must exercise due diligence in employing one of the methodologies described. The dealer must exercise the care and attention that is expected from and ordinarily exercised by a reasonable and prudent person when ascertaining the correct amount of tax due on sales made by that person.

1. A dealer is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement a method described in paragraph (a) and maintains adequate internal controls in the assignment of service addresses.

a. Internal controls in the assignment of service addresses are adequate if the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates to its database at least once every six months and corrects errors in assignments of service addresses within 120 days from discovering or being notified of such errors. A dealer's internal controls must ensure that, when the dealer is notified of an error, the error is corrected and the error is not repeated when a subsequent update is obtained. A dealer may choose to update its database more frequently than once every six months as long as the dealer has in place and consistently follows procedures to obtain and incorporate accurate updates. The auxiliary file described in paragraph (1)(b) of Emergency Rule 12BER05-2, that is maintained by the Department and available to dealers and local government users may be used by the dealer to update the dealer's database more frequently than the minimum of at least once every six months.

b. Internal controls in the assignment of service addresses are not adequate if corrected assignments of service addresses are not maintained or are incorrectly replaced with the previous incorrect assignment. Once notified by any person of an error, the dealer must ensure that the corrected information is preserved in its database. In the event that the error reoccurs, the dealer will not be considered to have exercised due diligence as required for the protection described in paragraph (a).

2. A communications services dealer must maintain records establishing that the dealer has exercised due diligence for the period of time during which the Department is authorized to assess taxes on sales of communications services by that dealer. Such records include instructions or procedures provided to employees, contracts and correspondence with third-party vendors or service providers concerning the acquisition or maintenance of data, documentation establishing that the data was consistently updated at least once every six months, records concerning customer or local taxing jurisdiction objections to the assignment of service addresses and responses to those objections, records of changes made to the assignment of service addresses and when the changes were made, and any other records that pertain to the acquisition, maintenance, and revision of the data upon which service address assignments are based.

3. If a communications services dealer uses a certified database provided by a third party vendor, the communications services dealer must exercise due diligence in its own conduct in using the database. A dealer using a certified database provided by a third party vendor is exercising due diligence if that dealer expends reasonable resources to accurately and reliably implement the third party vendor's certified database and maintains adequate internal controls in the assignment of service addresses. For example, the dealer must follow the vendor's instructions on use of the database and promptly incorporate any updates supplied by the vendor. As part of its due diligence, the dealer has a duty to take reasonable steps to ascertain that the vendor maintains the database so as to ensure continuing qualification for certification. For example, if a vendor failed to provide an update to the database when scheduled to do so, a reasonable and prudent dealer relying on that vendor's database would contact the vendor and make inquiry. A dealer that uses a third party vendor's certified database must ensure that, when the dealer discovers or is notified of errors in assignments of service addresses, the errors are corrected within 120 days from discovering or being notified of such errors and the error is not repeated when a subsequent update is obtained from the vendor.

(d) If a communications services dealer uses multiple databases or methodologies, such dealer is protected from liability for any additional local communications services tax, interest, and penalty only as to service addresses assigned as specified in paragraph (a) of this subsection. Such a dealer is liable as provided in subsection (1) for any additional local communications services taxes, interest, and penalties in regard to erroneous jurisdictional assignments for any service address assigned by any other methodology. A dealer that uses multiple databases must maintain documents demonstrating that a service address has been assigned employing a methodology described in paragraph (a) in order to be held harmless for any additional local communications services taxes resulting from erroneous assignment of that service address.

(e)1. Employing a method described in paragraph (a) protects a dealer from liability for any additional local communications services taxes and related interest and penalties that would otherwise have been due to a local taxing jurisdiction. A dealer's employment of a method described in paragraph (a) does not deprive a purchaser of the right to a refund of overpayment of local communications services taxes resulting from an erroneous assignment of that customer's service address to a local taxing jurisdiction with a higher rate than that in effect in the correct local taxing jurisdiction. If a purchaser complies with the procedural requirements of Section 202.23, F.S., and establishes that the dealer has incorrectly assigned the purchaser's service address and that an overpayment of local communications services tax has resulted, the dealer must refund the amount of the overpayment to the purchaser. Upon making such refund, the dealer would

be entitled to an equal credit or refund from the Department upon proper reporting to the Department of the amount and jurisdictions involved.

2. For purposes of this paragraph, a purchaser that establishes that a dealer has assigned the purchaser's service address to a different local taxing jurisdiction from the one to which that address was assigned in the latest version of the Address/Jurisdiction Database as of the date of the sale has established a presumption that the dealer's assignment was erroneous. If a dealer believes that the assignment of the purchaser's address in the Department's database is incorrect, the dealer should refer that refund claim to the Department for a determination in accordance with the procedures in Section 202.23, F.S. A dealer who assigned a purchaser's service address in accordance with the latest version of the Address/Jurisdiction Database at the time of the sale on which the purchaser asserts that tax was overpaid is not required to make a refund to the purchaser unless the Department has subsequently revised the assignment of that address to correct an error and such revision had retroactive effect as of the date of the sale involved pursuant to paragraph (3)(c) of Emergency Rule 12BER05-2.

### (3) Collection Allowance.

(a) Any communications services dealer that employs a methodology described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .75 percent on taxes collected on service addresses assigned using the described methodologies. Any communications services dealer that employs any methodology that is not described in subparagraph (2)(a)1., (2)(a)2., or (2)(a)3. for assigning service addresses to local taxing jurisdictions is entitled to a collection allowance of .25 percent on taxes collected on service addresses assigned using such other methodology. A communications services dealer who is not liable for an assessment of additional local communications services taxes, interest, and penalties by reason of employing a database that is found upon audit to meet the accuracy criteria for certification, as described in subparagraph (2)(a)4., is entitled to a collection allowance of .25 percent until such time as an application for certification of the database is made and approved.

(b) A communications services dealer must maintain adequate records to demonstrate that a .75 percent collection allowance was claimed only in regard to taxes that were collected for service addresses that were assigned employing a methodology that qualifies for that allowance. If a communications services dealer's records do not clearly establish the correct collection allowance for each service address, the dealer shall be entitled to only a .25 percent collection allowance on sales made to any service address that

the dealer cannot establish was assigned using a database or methodology that qualifies for the .75 percent collection allowance.

(c) A communications services dealer must also timely and correctly remit all tax and meet all the other requirements of Section 202.28, F.S., in order to be entitled to any collection allowance. This rule deals only with determining the amount of collection allowance available to a dealer who otherwise qualifies to receive the allowance. It does not create any separate entitlement to an allowance other than that set forth in Section 202.28, F.S.

(4) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on April 1, 2005.

Specific Authority 202.26(3)(b),(f),(g),(4), 202.28(1) FS. Law Implemented 202.22(1),(4),(5),(6), 202.23, 202.28(1),(2), 202.34(1)(a) FS. History—New 4-1-05.

### 12BER05-2 Department of Revenue Electronic Database.

(1)(a) The Department maintains an electronic database that assigns service addresses to local taxing jurisdictions in a format that satisfies the requirements of Section 202.22(2)(a), F.S. The electronic database, referred to as the communications services tax Address/Jurisdiction Database, is maintained on the Department's website at the address inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Local taxing jurisdictions and communications services providers are provided with access codes to permit them to register as users of the database. Registered local taxing jurisdictions and communications services dealers have the capability of downloading databases of addresses assigned to each local taxing jurisdiction. Local taxing jurisdictions also have access to an on-line form for requesting changes in service address assignments. The database also has a single address lookup feature that permits any person to enter an address and ascertain to which local jurisdiction it is assigned. Use of the single address lookup feature does not require an access code or registration.

(b) When a change to the Address/Jurisdiction Database has been approved, it is stored in an auxiliary file pending its inclusion in the next scheduled update of the database, which occurs every January 1 and July 1. The auxiliary file is maintained by the Department and contains the most recent service address local taxing jurisdictional assignment



information. Dealers may use this auxiliary file to update their service address assignments between the January 1 and July 1 updates to the Address/Jurisdiction Database even though such use of this auxiliary file is not required to satisfy due diligence requirements. The individual address lookup feature searches this auxiliary file as well as the current database and may therefore reflect information that has not yet been incorporated into the database available for downloading and use by local taxing jurisdictions and communications services dealers. In such cases, the individual address lookup page carries a statement notifying the viewer that it reflects a pending change to the database.

(c) The availability and effective date of the initial database was announced in the Florida Administrative Weekly. The availability and effective date of subsequent updates are also announced in the Florida Administrative Weekly. Updates incorporate corrections of any errors discovered since the last preceding update as well as changes in addresses or jurisdictional boundaries based on information provided by local taxing jurisdictions. Each updated version of the Address/Jurisdiction Database is posted on the Department's website at least 90 days prior to the effective date of the updated version and is also available to dealers of communications services and vendors of databases in magnetic or electronic media for a fee not to exceed the cost of furnishing the updated version in such media. Requests for electronic or magnetic media copies should be addressed to: Florida Department of Revenue, Communications Services Tax, Local Government Jurisdiction Unit, Post Office Box 5885, Tallahassee, Florida 32314-5885.

(2)(a) Local taxing jurisdictions have a continuing obligation to provide the Department with information to update the Address/Jurisdiction Database, such as changes in service addresses or address ranges, annexations, incorporations, reorganizations, and any other changes to jurisdictional boundaries. Local taxing jurisdictions must inform the Department of the identity of the jurisdictions' officers or employees who are authorized to act as contact persons with the Department on database matters.

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (hereby incorporated by reference). Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (R. 03/03, hereby incorporated by reference).

(c) The local taxing jurisdiction must specify the effective date of any information to be incorporated in the Address/Jurisdiction Database. The effective date must be the next January 1 or July 1 after the date of submission of the

information to the Department. Changes must be submitted no later than the date that is 120 days prior to the January 1 or July 1 on which changes are to be effective.

(d)1. Any requested changes or additions to the Address/Jurisdiction Database must be supported by competent evidence. Competent evidence to support a change to the Address/Jurisdiction Database is documentation establishing that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Examples of competent evidence include annexation ordinances, articles of incorporation of a new municipality, or the plat filed for a newly approved subdivision. Competent evidence must clearly designate the service addresses or address ranges that are affected.

2. If a requested change is to move an address from one local taxing jurisdiction to another, competent evidence includes the consent of the local taxing jurisdiction that did not request the change. To facilitate processing of the change, the local taxing jurisdiction requesting the change should attempt to obtain a written consent to the change signed by an authorized contact person of the non-requesting jurisdiction. Form DR-700022 contains an authorization statement that will serve as the written consent of the non-requesting local taxing jurisdiction when signed by that jurisdiction's authorized contact person. The Department will consider the receipt of a form DR-700022 containing the signatures of the authorized contact persons of both the initiating and affected jurisdictions to be sufficient competent evidence only when the form is submitted with supporting documentation that identifies the service addresses involved and includes the documentation on which the authorized contact person of the non-requesting jurisdiction relied when giving consent. Identification of the batch number associated with the address changes is insufficient by itself to demonstrate competent evidence establishing that the service addresses are located in the local taxing jurisdiction indicated on the request. If the requesting jurisdiction has not obtained the written consent of the non-requesting jurisdiction, the Department will contact the non-requesting jurisdiction before making the change. Based upon the response of the non-requesting jurisdiction, the Department will take the following action in regard to the requested change:

a. If the non-requesting jurisdiction consents in writing, the Department will accept and process the change.

b. If the non-requesting jurisdiction objects in writing, the Department will treat the requested change as one that must be resolved by the local taxing jurisdictions involved as provided in subsection (3).

c. If the non-requesting jurisdiction fails to either consent or object in writing within 20 days after the date on which the Department notified that jurisdiction of the requested change, the Department will accept and process the change. This will

not preclude the non-requesting jurisdiction from subsequently objecting to the new address assignments after they have been processed.

(e) Examples.

1. A local taxing jurisdiction approves the plat and grants the permits necessary for development of a new subdivision on February 1, 2005. The plat indicates street names but no address numbers have yet been assigned. In order for the addresses to be added to the electronic database effective the following July 1, the local taxing jurisdiction must file form DR-700022 with a copy of the approved subdivision plat and submit on-line address change information by March 3, 2005. If that deadline is not met, the earliest date on which the new service addresses can be added to the database is January 1, 2006. In order to meet the deadline and be certain that the actual address numbers are included, the contact person for the local taxing jurisdiction may request the addition of a range of numbers that is certain to include the actual numbers. Because the development of the subdivision affects only the requesting jurisdiction, no consent from any other jurisdiction is required.

2. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's database contact person timely enters address change requests for 1525 addresses on-line and files a form DR-700022 on February 15, 2003. Included with the form are a copy of the annexation ordinance and a map with the annexed area outlined with street address ranges included in the annexed area noted. The county database contact person has not signed the form DR-700022 or otherwise given written consent to the changes. On February 20, 2003, the Department notifies the county of the requested changes and provides copies of the municipality's form DR-700022, annexation ordinance, and map. The county does not respond with written consent or a written objection. On March 14, 2003, the Department processes the changes, and they are included in an update available on April 1, 2003, to take effect July 1, 2003. The county's database contact person notifies the Department on July 15, 2003, that the county believes the database now incorrectly assigns 25 service addresses to the municipality. The Department will handle this as an objection to the database as discussed in subsection (3).

3. A municipality annexes an area with 1500 service addresses that was formerly in an unincorporated area of the county. The annexation will be effective July 1, 2003. The municipality's contact person timely enters address change requests for the 1500 addresses on-line and writes a letter to the county's contact person requesting that consent be indicated by signing a form DR-700022 that has been prepared by the municipality and enclosed with the letter. Also enclosed with the letter is a copy of the annexation ordinance and a street map on which the annexed area is outlined. The county contact person signs the form DR-700022. The municipality submits

the form and copies of the letter, annexation ordinance, and map to the Department on February 15, 2003. The Department will approve the changes and include them in the July 1, 2003 update to the Address/Jurisdiction database.

(3)(a) Any substantially affected party may object to information contained in the Address/Jurisdiction Database by submitting form DR-700025, Objection to Communications Services Tax Electronic Database Service Address Assignment (N. 04/02, hereby incorporated by reference), along with competent evidence to support the party's objection. Local taxing jurisdictions should use form DR-700022 to create addresses in the Address/Jurisdiction Database or to request address assignment changes resulting from changes in jurisdictional boundaries. Regardless of which form is used to request changes to the Address/Jurisdiction Database, the consent of an affected jurisdiction will be required. Examples of substantially affected parties include purchasers of communications services who pay local communications services taxes, dealers who are required to collect local communications services taxes, and local taxing jurisdictions that object to a change to the Address/Jurisdiction Database proposed by another local taxing jurisdiction. Examples of competent evidence that supports an inquiry into a substantially affected party's objection include an electric utility bill from a provider that operates only within a particular local taxing jurisdiction, a voter registration card indicating the voter residing at a service address is entitled to vote in municipal elections or only in county elections, or a map that includes the boundaries of a local taxing jurisdiction and clearly places a service address inside or outside those boundaries. For example, if a map shows that a street is entirely within the boundaries of a municipality, that map is competent evidence that a service address on that street should be assigned to that municipality in the database. The Department will notify the substantially affected party of any deficiencies in the objection or competent evidence.

(b) Upon receipt of an objection on a completed form DR-700025, including competent evidence to support the objection, the Department will forward copies of the form, along with the associated documentation to the database contact person in each affected taxing jurisdiction. The Department will instruct each local taxing jurisdiction to indicate in writing its determination in regard to the objection. If the affected local taxing jurisdictions each indicate agreement with the objection, the Department will revise the electronic database accordingly. If a local taxing jurisdiction fails to respond within a reasonable time, which shall be no less than 30 days, such jurisdiction shall be deemed to have indicated agreement with the objection. If either local taxing jurisdiction notifies the Department in writing that it does not agree with the objection, the Department will immediately assign the address with a special designation that indicates that

the jurisdictional assignment of the address is in dispute. The service address will be reassigned to a local taxing jurisdiction when one of the following events occurs:

1. The Department receives written notification from the local taxing jurisdiction that did not agree with the change requested in the objection that such local taxing jurisdiction has subsequently determined that the change should be made;

2. The Department receives written notification from the party that filed the form DR-700025 that the objection was erroneous and the assignment in the database was correct; or

3. The Department is provided with a copy of a final order, judgment, or other binding written determination resolving the jurisdictional assignment of the contested address.

(c) No communications services provider who relies on the assignment of a service address in the Address/Jurisdiction Database will be held liable for any additional local communications services tax, interest, or penalty in regard to that service address if the assignment is later determined to be erroneous under this subsection. For purposes of making refunds to purchasers, a correction to the Address/Jurisdiction Database will have retroactive effect to the July 1 or January 1 on which the erroneous assignment took effect if the form DR-700025 objecting to the assignment is filed no later than the August 31 following an assignment that took effect on July 1 or the February 28 (February 29 in a leap year) following an assignment that took effect on January 1.

(4) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on April 1, 2005.

Specific Authority 202.26(3)(b),(g),(4) FS. Law Implemented 202.22(2), 202.23 FS. History—New 4-1-05.

#### 12BER05-3 Certification of Service Address Databases.

(1) A communications services dealer that develops and maintains its own database for assigning service addresses to local taxing jurisdictions or a third party vendor that provides a database for sale to communications services dealers or uses such a database in providing billing or other services to communications services dealers may apply to the Department for certification of the database. A database will be certified if it assigns street addresses, address ranges, post office boxes, and post office box ranges to the proper local taxing jurisdictions with an overall accuracy rate of 95 percent with a

95 percent level of confidence, based on a statistically reliable sample. Accuracy must be measured based on the entire geographic area within the state of Florida covered by the database for which certification is sought.

(2)(a) Application for certification must be made to the Department on form DR-700012, Application for Certification of Communications Services Database (R. 07/02, hereby incorporated by reference) and in accordance with the on-line Instructions for Preparing and Submitting Customer Address Files for Certification Testing (available at the Department's website, [www.myflorida.com/dor](http://www.myflorida.com/dor), and hereby incorporated by reference). All applicable portions of the application must be completed.

(b) The Department will notify the applicant of any errors or omissions in the application and of all additional information or documentation required within 90 days of receipt of the application. The Department will review the application and contact the individual designated in the application concerning any additional information required and the format in which such information must be submitted. The applicant shall provide access to all records, facilities, and processes reasonably required to review, inspect, or test the database within 10 working days of the Department's request for such access.

(c) The Department will test the applicant's database by comparing the assignments of service addresses to the assignments of service addresses in the Address/Jurisdiction Database, which is the Department's on-line database described in Emergency Rule 12BER05-2. The Department will notify the applicant of all service addresses that do not match the Department's database regardless of whether the applicant's database meets the accuracy criterion for certification.

(d) Within 180 days of receipt of a completed application, the Department will issue a written determination.

1. If the notice grants certification, it will specify the expiration date, which will be three years or four years from the date of the notice.

2. If the notice denies certification, it must specify the grounds, inform the applicant of any available remedy, and set forth procedures for protesting the denial. If the applicant cures the defects that formed the basis for denial and upon retesting the database meets the requirements for certification, the Department will issue a notice certifying the database. If the defects forming the basis of the denial are based on a sample, correction of the errors identified in the sample does not constitute correction of the database. The Department is authorized to grant certification of the database even in cases where the applicant has filed a petition and a proceeding is pending under Chapter 120, F.S.

(3) An application for recertification of a database must be submitted on form DR-700012 when the certification period expires. If an application for recertification is received prior to

the stated expiration date of the certification period, the prior certification will not expire until the Department takes final action on the application for recertification. In such cases, if the Department denies recertification, the prior certification will remain in effect until the time for administrative or judicial review of the Department's denial of recertification has expired or, if later, the date fixed by order of the reviewing court.

(4) Certification or recertification of a database is effective upon the date of the Department's notice approving the application. The notice approving the application is in the form of a letter stating that the database is certified and that an application for renewal should be applied for by a specified date. Except when extended as provided under subsection (3), when a timely application for recertification has been filed, a certification or recertification is effective through the date stated on the notice, which shall be either three years or four years from the date of the notice. The database will be assigned a three-year expiration date if the applicant's business partner number assigned by the Department's accounting system program ends in an even number and a four-year expiration date if the applicant's business partner number ends in an odd number.

(5) In determining whether a database qualifies for certification, the Department will consider whether the applicant will implement procedures designed to maintain the accuracy level required for certification throughout the certification period. If the Department obtains information indicating that a certified database is not being properly maintained and updated to insure on-going accuracy at the required levels, the Department will notify the applicant and review the operation and maintenance of that database. If the Department determines that a database no longer qualifies for certification and remedial steps are not promptly taken, the Department will revoke the certification. The Department shall first provide notice to the applicant of its intent to revoke the certification as provided in Section 120.60, F.S., and afford the applicant a point of entry under Chapter 120, F.S., to contest the notice of intent.

(6) Certification is contingent upon there being no material changes to the database or procedures for its updating and maintenance. If there are such changes, the applicant should inform the Department and request a determination whether a new form DR-700012 should be submitted. If practicable, the Department will test the effect of the changes rather than require a new certification procedure for the entire database. A material change is any change that could reasonably be expected to affect whether the database would still meet the 95 percent accuracy level required for certification. Examples of changes that could be material would be an expansion of the service area covered by a database, the merger of two or more databases, a change in the sources from which information for the database is obtained, or alteration of the methods by which service addresses are assigned, updated, or corrected. Changes

to the assignment of service addresses or address ranges that are made in the course of consistently followed procedures to obtain and incorporate accurate updates and to correct errors in assignments of service addresses as required to satisfy the due diligence standards set forth in paragraph (2)(c) of Emergency Rule 12BER05-1, are not material address changes that require Department review of a database.

(7) Transition Rules. Notwithstanding any provision to the contrary, if a dealer submitted an application for certification of a database on or before May 1, 2002, the following transition rules apply:

(a) The requirement of Section 202.22(3)(d), F.S., that the Department grant or deny the application within 180 days does not apply.

(b) If a notice of intent to deny the application is issued, the dealer is entitled to a collection allowance of .75 percent for taxes collected on service addresses assigned using the database that is the subject of the application until the date the Department's notice of denial is final.

(c) If the application is approved, the effective date of the certification will be the date the application was submitted.

(8) All forms referenced in this emergency rule may be obtained by: 1) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

This rule shall take effect on April 1, 2005.

Specific Authority 202.26(3)(g),(4) FS. Law Implemented 202.22(3) FS. History—New 4-1-05.

12BER05-4 Use of Enhanced Zip Code Method to Assign Service Addresses to Local Taxing Jurisdictions.

(1) An enhanced zip code method is a method of assigning service addresses to local taxing jurisdictions based on United States postal zip codes of at least nine digits.

(2) A communications services dealer may avoid liability as provided in Emergency Rule 12BER05-1, for any additional local communications services tax, penalty, and interest resulting from errors in assigning service addresses to an incorrect local taxing jurisdiction when the correct local taxing jurisdiction has a higher local tax rate by employing an enhanced zip code method only if the requirements of this rule are satisfied.

(3) The dealer or the vendor providing the database is not permitted to rely solely on the location of the post office to which an enhanced zip code is assigned by the United States Postal System if the area covered by the enhanced zip code is not entirely located within the same local taxing jurisdiction as the post office. In some cases, the area included in an enhanced zip code overlaps local jurisdictional boundaries or is outside the local taxing jurisdiction where the post office to which a zip code is assigned is located. In addition, a dealer may provide services to customer service addresses for which an enhanced zip code is not available, because the service address is in a rural area or is without postal delivery. The dealer or the vendor must use a reasonable methodology that accurately assigns service addresses to the correct local taxing jurisdictions in such circumstances. The dealer or vendor will be considered to have used a reasonable methodology if it relies on information obtained from one or more of the following sources:

- (a) The Address/Jurisdiction Database, described in Emergency Rule 12BER05-2;
- (b) A database that has been certified by the Department as provided in Emergency Rule 12BER05-3;
- (c) Representatives of relevant local taxing jurisdictions whose responsibilities entail knowledge of the location of addresses as within or without their jurisdictions;
- (d) The United States Census Bureau; or
- (e) The United States Post Office.

The dealer must maintain records that establish the methodology used to assign service addresses as provided in this subsection.

(4) The dealer employing an enhanced zip code method to assign service addresses to local jurisdictions must satisfy the notification and due diligence requirements set forth in paragraphs (2)(b) and (c) of Emergency Rule 12BER05-1. For purposes of due diligence requirements, a communications services dealer or an enhanced zip code database vendor is deemed to have expended reasonable resources to accurately and reliably implement an enhanced zip code method if the requirements of subsection (3) have been met. The due diligence requirement includes the requirement to correct errors in the assignments of service addresses within 120 days of discovering or being notified by any person of such errors. The database vendor or dealer must also maintain adequate internal controls to assure the on-going accuracy of an enhanced zip code database as described in subparagraph (2)(c)1. of Emergency Rule 12BER05-1.

(5) Mobile communications services providers using an enhanced zip code method are subject to the safe harbor provisions of Title 4 U.S.C. s. 120. Such providers will be held harmless from liability for additional local communications services tax, penalty, and interest resulting from erroneous

assignments of customer service addresses to local taxing jurisdictions as provided in the federal Mobile Communications Sourcing Act.

(6) In order to be entitled to the .75 percent collection allowance, a communications services dealer that employs an enhanced zip code method to assign service addresses must satisfy the requirements of subsection (3) of this rule and the requirements of subsection (3) of Emergency Rule 12BER05-1.

This rule shall take effect on April 1, 2005.

Specific Authority 202.26(3)(b),(f),(g), (4), 202.28(1) FS. Law Implemented 202.22(1),(4),(6),(7), 202.28(1)(b)2. FS. History—New 4-1-05.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THESE RULES.  
EFFECTIVE DATE: April 1, 2005

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF 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.”

**FINANCIAL SERVICES COMMISSION**

**OIR Insurance Regulation**

RULE TITLE:	RULE NO.:
Personal and Commercial Residential	
Property Insurance Policies; Extension	
of Coverage for Damaged Property	69OER05-5

**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. On March 22, 2005, the Governor of Florida issued Executive Order 05-56, which extended Executive Order 05-13, specifically recognizing emergency conditions which warranted the adoption of this emergency rule.

Insurers have reported in excess of 1.4 million property insurance claims as a result of the four hurricanes. In many areas, building contractors are unable to serve all of the needs of homeowners whose homes are damaged from the storms. Homeowners have complained to the Department of Financial Services, Division of Consumer Services that they are unable to find a contractor. Homes will 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.

There are not a sufficient number of contractors available to expeditiously complete repairs in reasonable time frames. Governor Jeb Bush has recognized this emergency state of affairs and issued Executive Order Number 04-241, on November 10, 2004, extending the time period which suspends the requirement that out of state roofing contractors must be certified or registered in the State of Florida, but allows them to operate with local licenses provided they are properly licensed in their home state.

Unfortunately, there have been reports that some insurers are attempting to cancel or nonrenew insurance policies for homes that have not been completely repaired. Due to underwriting guidelines of other insurers these insureds would not be able to obtain replacement coverage with another insurer. The resulting inability to secure insurance coverage would also adversely affect the sale and exchange of damaged structures and adversely impact the economic health and welfare in this state. Accordingly, this rule is necessary to maintain the status quo, to allow the State of Florida to recover from the storms and allow time for the construction industry to complete repairs to in excess of 1.7 million structures in this state.

**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 69OER05-5 establishes limits on the cancellation and nonrenewal of certain personal residential and commercial residential property insurance policies for victims of the 2004 Hurricane Season and provides alternative procedures for the cancellation and nonrenewal of these policies under certain limited circumstances.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Stephen C. Fredrickson, Assistant General Counsel, Legal Services, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-4206, (850)413-4144

THE FULL TEXT OF THE EMERGENCY RULE IS:

69OER05-5 Personal and Commercial Residential Property Insurance Policies; Extension of Coverage for Damaged Property.

(1) This rule applies to all personal and commercial residential property insurance policies covering structures damaged as the result of Tropical Storm Bonnie or Hurricanes Charley, Frances, Ivan or Jeanne, for which a damage claim has been filed and a loss is payable or has been paid, if repairs attributable to such damage have not been completed. A nonrenewal prohibited by operation of this rule shall not require renewal for an additional term. The rule shall only require an extension of coverage until 60 days from the date the repairs have been completed as defined in subsection (2).

(2) Special Provision for Damaged, Un-repaired Property.

(a) No insurer or agent shall cancel or nonrenew a personal or commercial residential property insurance policy covering a dwelling or residential property located in this state which has been damaged as a result of the aforementioned storms, for a period of 60 days after the dwelling or residential property has been repaired. A structure is deemed to be "repaired" when substantially completed and the structure has been restored to the extent the structure is insurable by another authorized insurer which is writing policies in this state.

(b) However, an insurer or agent may cancel or nonrenew, prior to the repair of the dwelling or residential property:

1. Upon 10 days notice for non-payment of premium;
2. Upon 45 days notice for a material misstatement or fraud related to the claim;
3. Upon 45 days notice if the insurer can demonstrate that the insured has unreasonably caused a delay in the repair of the dwelling; or
4. Upon 45 days notice if the insurer has paid policy limits, provided the insurer has offered the insured a builders risk or other similar policy which would cover the property until completion of repairs.
5. Upon the request of the insured.

(c) Except for any cancellation or nonrenewal for non-payment of premium or upon the request of the insured, any cancellation or nonrenewal made pursuant to this subsection shall be reported by the insurer electronically to the Office of Insurance Regulation with the insurance company name, policyholder name, policyholder number, the date of cancellation or nonrenewal and reason(s) for the cancellation or nonrenewal action. All reports filed by insurers in compliance of this rule shall be provided to this Office as part of an ongoing market conduct examination and shall be submitted by electronic attachment to email address: 69OER05-05@fldfs.com.

(3) Nothing in this rule shall be construed to create or support a private cause of action or relate to damages recoverable in a civil action; and proof of good faith compliance with this rule shall constitute a defense in any civil action arising due to such compliance.

Specific Authority 120.54(4), 624.308, 626.9611 FS. Law Implemented 626.9541(1)(i), 626.9561, 626.9641, 627.351(6), 627.4133 FS. History—New 3-24-05.

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 24, 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 Board of Landscape Architecture hereby gives notice that it has received a petition, filed on March 28, 2005, from State of Florida, Department of Transportation seeking a waiver or variance of subsection 61G10-18.006(2) and subparagraph 61G10-18.001(1)(c)2., F.A.C., with respect to extending the approval period of Course No. 007603 through October 6, 2004 and grant such other and further relief as deemed appropriate.

Comments on this petition should be filed with Board of Landscape Architecture, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Juanita Chastain, Executive Director, Board of Landscape Architecture, at above address or telephone (850)487-8304.

**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 Chiropractic Medicine hereby gives notice that it has issued its Order on the Petition for Waiver filed by Neil J. Koppel, D.C. The Notice of Petition for Waiver was published in Vol. 31, No. 3, of the January 21, 2005, Florida Administrative Weekly. The Board of Chiropractic Medicine considered the Petition at its meeting held on February 18, 2005 in Jacksonville, Florida. The Board's Order, filed on March 21, 2005, denies the Petition for Waiver of Rule 64B8-5.001, F.A.C.

A copy of the Board's Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed by Miguel R. Grillo, D.D.S. The Notice of Petition for Variance/Waiver was published in Vol. 31, No. 3, of the January 21, 2005, Florida Administrative Weekly. The Board considered the petition at its meeting held on March 11, 2005, in Jacksonville, Florida. The Board's Order, filed on March 28, 2005, grants the petition for variance/waiver of subparagraphs 64B5-2.0146(2)(c)1. and 3., F.A.C., finding that the Petitioner has met the purpose of the underlying statute and that denying the petition would be a violation of the principles of fairness.

A copy of the Board's Order may be obtained by contacting: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3758.

The Board of Dentistry hereby gives notice that it has received a Petition, filed on February 18, 2005, from Allen R. Grossman, Esquire, on behalf of Maria Gabriella d'Empaire, D.D.S., seeking a waiver or variance of subsection 64B5-2.0146(2), F.A.C., with respect to the requirement the applicant successfully complete remediation to the level of a graduating senior and obtain a letter from the Dean of the dental school. The Board will consider the Petition at its next meeting to be held May 6, 2005, at the Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301.

Comments on this Petition should be filed with the Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the Petition, contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4474.

The Board of Dentistry hereby gives notice that it has received a Petition, filed on February 10, 2005, from Allen R. Grossman, Esquire, on behalf of Ronnette Garcia Lopez, D.D.S., seeking a waiver or variance of paragraph 64B5-2.0146(2)(a), F. A.C., with respect to the requirement the applicant successfully complete remediation to the level of a graduating senior. The Board will consider the Petition at its next meeting to be held May 6, 2005, at the Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301.

Comments on this Petition should be filed with the Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the Petition, contact: Sue Foster, Executive Director, Board of Dentistry, at above address or telephone (850)245-4474.

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Variance/Waiver filed by Andres Bello. The Notice of Petition for Variance/Waiver was published in Vol. 31, No. 8, of the February 25, 2005, Florida Administrative Weekly. The Board considered the petition at its meeting held on March 11, 2005, in Jacksonville, Florida. The Board's Order, filed on March 28, 2005, denies the petition for variance/waiver of subsection 64B5-2.021(1), F.A.C., finding that the Petitioner failed to present facts showing substantial hardship and failed to plead the application of the rule would violate principles of fairness.

A copy of the Board's Order may be obtained by contacting: Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3758.

The Board of Massage Therapy hereby gives notice that it has received a petition filed on March 23, 2005, by Roger Alderman. The petitioner seeks a waiver of the Board of Massage Therapy's "requirements of completion of a board approved school's course of study" and other minimum requirements governing massage therapist licensure in Florida. Comments on this petition should be filed with Board of Massage Therapy, 4052 Bald Cypress Way, 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 23, 2005, on behalf of John Sallusto, M.D., seeking a waiver from Rule 64B8-2.001, F.A.C., with regard to the requirements for successful completion of the FLEX.

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 of the issuance of an Order regarding the Petition for Variance filed by Jennifer C. Lee, Psy.D. Petitioner sought a waiver or variance from subparagraph 64B19-11.005(2)(c)1., F.A.C. The Notice of Petition for Variance was published in Vol. 31, No. 4, of the January 28, 2005, Florida Administrative Weekly. The Board considered the instant Petition at a duly-noticed public meeting, held March 11, 2005, by telephone conference call.

The Board's Order, filed on March 23, 2005, granted the petition, finding Petitioner had demonstrated that application of the rule to her circumstances would violate the principles of fairness and would impose a substantial hardship on her.

A copy of the Board's Order may be obtained by contacting: Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

NOTICE IS HEREBY GIVEN that the Department of Health issued a Final Order on March 9, 2005, in response to an amended petition for a waiver filed on January 31, 2005, by Gerard Curran, MSc., representing Bord Na Mona Environmental Products US Inc. Petitioner sought a waiver of paragraphs 64E-6.013(1)(g),(e),(3)(f), and subsection (5), Florida Administrative Code, which requires receptacle tank lids for non-traffic residential installations to be designed for a dead load of 12 inch earth cover or two 1750-pound live loads at 60 inch spacing or one 1750-pound live load in the center of the tank lid, whichever is greater; structural design of receptacles to be varified by vacuum load or hydrostatic tests in accordance with department policy; all receptacles to withstand tank category 3 or 4 field conditions; and annual inspection at the manufacturer's facility. Notice of the petition was published in the February 18, 2005, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would violate principles of fairness in the Petitioner's particular circumstance. Therefore, pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED Petitioner's request for a waiver.

A copy of the petition and final order may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1734.

NOTICE IS HEREBY GIVEN that on March 22, 2005, the Department of Health received a Petition for Variance from subsection 64E-15.002(2), F.A.C., from Frank Sanders on behalf of Sanders Mobile Home Park. That rule requires Mobile Home Parks to have a minimum lot size width of 35 feet for a single wide mobile home. The Sanders Mobile Home Park is an existing 6 space Mobile Home Park located in Pensacola, Florida.

Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from: Lucy Schneider, Office of General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, Florida 32399-1703, (850)245-4024.

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The Department of State, Division of Cultural Affairs announces a meeting to which all interested persons are invited to participate.

If requested within 7 days of this notice, a hearing will be held at the time, date, and place shown below:

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

PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to consider the Cultural Facilities Program subsection 1T-1.001(17), F.A.C. The Rule was published in Vol. 31, No. 8, February 25, 2005 issue of the Florida Administrative Weekly.

A copy of the agenda may be obtained by writing: Mr. Donald Blancett, Division of Cultural Affairs, 1001 Desoto Park Drive, Tallahassee, Florida 32301, (850)487-2980, Ext. 131.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record this meeting.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by April 11, 2005 if you need an accommodation. Accommodations can be arranged through Dana DeMartino, ADA Coordinator, Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddmartino@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.

NACW Convention Committee

DATE AND TIME: April 19, 2005, 10:00 a.m.

WHOF Committee

DATE AND TIME: April 20, 2005, 10:00 a.m.

Executive Committee

DATE AND TIME: April 21, 2005, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW 5 days 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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The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIMES: May 19, 2005, 8:30 a.m. – 5:00 p.m.; May 20, 2005, 8:30 a.m. – 12:00 Noon

PLACE: Courtyard by Marriott Tallahassee/Capital, 1018 Apalachee Parkway, Meeting Room A, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda call: Patsy Rushing, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces the following monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

DATE AND TIME: May 5, 2005, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Bldg. 6, Rm. 606, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

CONTACT: Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Rm. 601, Tallahassee, Florida 32399-1650, (850)487-2130.

A copy of the meeting agenda may be obtained by contacting: Pesticide Registration Section, (850)487-2130, PREC Web Site: [http://www.flaes.org/Pesticide/REG\\_PREC.htm](http://www.flaes.org/Pesticide/REG_PREC.htm).

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The Florida **Department of Agriculture and Consumer Services, Office of Agricultural Water Policy** announces a public meeting which all interested parties are invited:

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

PLACE: Clayton Hutcheson Center, 559 North Military Trail, West Palm Beach, Florida 33415

GENERAL SUBJECT MATTER TO BE DISCUSSED: Final draft of Plant Nursery Best Management Practices (BMP's) with initial focus in South Florida within the boundaries of the South Florida Water Management District, to be later adopted statewide.

For further information contact: Mr. Ken Kuhl or Mr. Bob Clark, Office of Agricultural Water Policy, 1203 Governor Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)488-6249.

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

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The Florida **Department of Agriculture and Consumer Services, Office of Agricultural Water Policy** announces a public meeting which all interested parties are invited:

DATE AND TIME: Thursday, May 5, 2005, 11:00 a.m.

PLACE: Dade Agricultural Extension Office, 18710 S. W. 288th Street, Homestead, Florida 33030, (350)248-3311

GENERAL SUBJECT MATTER TO BE DISCUSSED: Final draft of Plant Nursery Best Management Practices (BMP's) with initial focus in South Florida within the boundaries of the South Florida Water Management District, to be later adopted statewide.

For further information contact: Mr. Ken Kuhl or Mr. Bob Clark, Office of Agricultural Water Policy, 1203 Governor Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)488-6249.

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

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## DEPARTMENT OF EDUCATION

The public is invited to a meeting of the **State Board of Education**.

DATE AND TIME: April 19, 2005, 8:30 a.m.

PLACE: Department of Education, 325 West Gaines Street, Room 1725, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes of meeting held March 15, 2005 and updates on various reports and status on education initiatives by the Chairman and Commissioner. Other items to be considered include: Request to Approve Bachelors of Applied Science Degree Program for Daytona Beach Community College; Request to Approve Edison College's proposed Bachelors of Applied Science in Public Safety Management; Amendment to Proposed Rule 6A-4.0021, Florida Teacher Certification Examination; Proposed New Rule 6B-5.0012, Florida Principal Leadership Standards; Amendment to Commission for Independent Education Rule 6E-1.0032, Fair Consumer Practices; Amendment to Commission for Independent Education Rule 6E-2.004, Standards and Procedures for Licensure; Amendment to Commission for Independent Education Rule 6E-2.0042, Medical Clinical Clerkship Programs; Amendment to Commission for Independent Education Rule 6E-2.0061, Actions Against a Licensee: Penalties; Consideration of Requests for Waivers by Volusia County School Board as a Charter District; Consideration of Request for Waivers by Palm Beach County School Board as a Charter District; St. Petersburg College – Request Site Designation Approval for a Fire Training Special Purpose Center; A Resolution of the State Board of Education Approving the Issuance of Revenue Bonds by the University of Florida Athletic Association Inc. to Finance Construction of the Baseball/Football Locker Room Facilities and Lemerand Center Renovations; and A Resolution Requesting the Division of Bond Finance of the State Board of Administration of Florida to Issue Revenue Bonds on Behalf of Florida State University to Finance the Construction of a Housing Facility (DeGraff Hall) on the Campus of Florida State University. Anticipated policy discussions include training, recruiting, and retaining effective educators and Voluntary Pre-K Program assessment.

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.

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The **University of South Florida**, Louis de la Parte Florida Mental Health Institute announces The Florida Behavioral Health Collaborative (formerly the Medicaid Behavioral Health Pharmacy Management Program) Executive Committee Meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 13, 2005, 1:00 p.m. – 3:30 p.m.

PLACE: University of South Florida, Louis de la Parte Florida Mental Health Institute, Westside Conference Center, Room E, 13301 Bruce B. Downs Blvd., Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present and discuss the progress of the Florida Behavioral Health Collaborative and its impact on expenditures and quality of care.

Accommodations for Disabilities: Persons with a documented disability requesting reasonable accommodations should contact Tracy-Ann Gilbert-Johnson, Department of Mental Health Law and Policy, 13301 Bruce B. Downs Boulevard, MHC 2725 Tampa, FL 33612, (813)974-9337, Suncom 574-9337, e-mail: [tgilbert-johnson@fmhi.usf.edu](mailto:tgilbert-johnson@fmhi.usf.edu), at least 10 days in advance of the meeting. Persons with hearing or speech impairments should also contact Tracy-Ann Gilbert-Johnson by using the Florida Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Events, activities, programs, and facilities of the University of South Florida are available to all without regard to race, color, marital status, sex, religion, national origin, disability, age, Vietnam or disabled veteran status as provided by law and in accordance with the University's respect for personal dignity.

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The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: May 4, 2005, 9:30 a.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, FAU MacArthur Campus at Jupiter, 5353 Parkside Drive, AD #222, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-614 Lifelong Learning Society Complex.

For more information or to obtain a copy of the agenda, please contact Rachel Slaw, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, AD Bldg., Rm 392, Boca Raton, Florida 33431, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Rachel Slaw, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

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The **Commission for Independent Education** announces a meeting.

DATE AND TIME: April 15, 2005, 9:00 a.m.

PLACE: By teleconference at the "meet me" number (850)414-1706, Suncom 994-1706

GENERAL SUBJECT MATTER TO BE CONSIDERED: To evaluate, discuss and vote on Department of Children and Family Services proposed subsections 65C-22.003(2),(7), F.A.C., proposed Cosmetology Legislation, the Barber's Board Internship/apprenticeship issue and other related Commission for Independent Education business.

A copy of the agenda may be obtained by writing: Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

NOTE: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)448-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-9770 (Voice) and 1(800)955-8771 (TDD).

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The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting to which all interested persons are invited to participate.

DATE AND TIME: April 14, 2005, 10:00 a.m. (CDT)

PLACE: Third Floor Seminar Room, Student Union West, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

Contact person for the meeting: Dr. Robert L. McSpadden, President.

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The public is invited to a meeting of the Florida **Board of Governors**.

DATE AND TIME: April 15, 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.

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The public is invited to Committee meetings and the regular meeting of the Florida **Board of Governors**. The Finance Committee will conduct a Budget Workshop; and the Strategic Planning/Educational Policy Committee, the Student Affairs Committee, and the Medical Education Subcommittee of the Strategic Planning Committee will meet. The regular meeting of the Board will follow the Committee meetings.

DATE AND TIME: April 21, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: Alumni Center, Florida State University, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the Legislative Budget Request policy and process; Continuing discussion of the Board's Strategic Plan, including discussion of data on cost per degree, and strategic guidance to the universities; Discussion of student residency and articulation rules; Continuing discussion of needs for medical education in Florida; rulemaking process for the Board and the state universities. Consideration of: Auxiliary facilities that have bond covenants requiring approval of 2005-2006 operating budgets and facility maintenance and equipment reserve fund reports; amended 2005-2006 SUS Fixed Capital Outlay Legislative Budget Request Five-Year Capital Improvement Plan; amended 2005-2006 Courtelis Challenge Grant list; 2006-2007 Legislative Budget Request Guidelines; Resolution Approving the Issuance of Revenue Bonds by the University of Florida Athletic Association, Inc., to Finance Construction of the Baseball/Football Locker Room Facilities and Lemerand Center Renovations; Resolution requesting the Division of Bond Finance of the State Board of Administration of Florida to Issue Revenue Bonds on Behalf of Florida State University to Finance the Construction of a Housing Facility (DeGraff Hall) on the Campus, FSU; Designation of Treasure Coast Education Research and Development Authority as research and development authority pursuant to Section 159.704, F.S.; UCF Campus Development Agreement; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from: Department of Education's website: <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The public is invited to a meeting of the Florida **Board of Governors**.

DATE AND TIME: April 22, 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.

## DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF CORRECTION – The **Florida Building Commission** announces a work group meeting on Chapter 9B-72, F.A.C. to which all persons are invited. The previously published dates and time were changed from two days to one day. The correct date and time are shown below. The work group meeting will be held as follows:

Product Approval Work Group Meeting on Rule 9B-72.

DATE AND TIME: April 20, 2005, 9:00 a.m.

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 Rule 9B-72, F.A.C., for recommended changes.

A copy of the work group agenda may be obtained from the 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, 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).

The **Department of Community Affairs** (DCA) announces a workshop to Affirmatively Further Fair Housing, to be conducted in three locations, to which representatives from eligible Florida Small Cities CDBG Program Communities are invited.

DATE AND TIME: April 25, 2005, 8:30 a.m. – 3:30 p.m. CST  
PLACE: Jackson County Agriculture Office Complex, 2714 Pennsylvania Avenue, Marianna, Florida

DATE AND TIME: April 25, 2005, 8:30 a.m. – 3:30 p.m. EST  
PLACE: City Commission Chambers, 105 South 2nd Street, Flagler Beach, Florida

DATE AND TIME: April 28, 2005, 9:00 a.m. – 4:00 p.m. EST  
PLACE: City of Sebring Civic Center, 355 West Center Avenue, Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Affirmatively Furthering Fair Housing training for 30 Florida Small Cities CDBG Program attendees at each workshop in the state of Florida.

Respond by April 15, 2005 by fax or e-mail, include Name, Organization, Contact Information, and the workshop location that you would like to attend: Dr. Douglas Frederick, J-QUAD and Associates, Policy and Planning Division Manager, (972)386-6553, Fax (972)386-6554, e-mail: [frederickd@jqquad.com](mailto:frederickd@jqquad.com).

A copy of the agenda may be obtained by appearing in person at the agency headquarters or by email or calling: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644, e-mail: [rick.miller@dca.state.fl.us](mailto:rick.miller@dca.state.fl.us).

SUMMARY: The Department, is conducting three workshops as part of its annual training and technical assistance projects that are documented in the State Consolidated Plan that is submitted to the U. S. Department of Housing and Urban Development (HUD) in order to receive federal funding from that agency. The Plan also contains specific elements outlined in federal regulations. These elements include: special needs of the homeless, farmworkers, elderly, disabled, and persons with AIDS; health and safety issues such as the alleviation of lead based paint hazards; fair housing and equal opportunity; affordable housing; and efforts to reduce poverty.

ACTION TO BE TAKEN: At the workshops, staff from the Florida Small Cities CDBG program and J-QUAD and Associates will provide training with an overview of the Federal Fair Housing Act and answer questions about Affirmatively Furthering Fair Housing in Florida. Representatives from CDBG Eligible Communities both Entitlement and Non-Entitlement are encouraged to attend. The same material will be presented at each location, so individuals should attend only one workshop.

Any person requiring a special accommodation at this workshop because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the workshop. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)922-8771 (TDD).

The **Department of Community Affairs** (DCA) announces a workshop to determine training and technical assistance needs, to be conducted in one location, to which representatives from 22 eligible Florida Small Cities Community Development Block Grant (CDBG) Program Communities are invited.

DATE AND TIME: April 29, 2005, 9:00 a.m. – 3:00 p.m. (EST)

PLACE: City of Sebring Civic Center, 355 West Center Avenue, Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a focus group for 22 Florida Small Cities CDBG Program attendees at a single technical assistance workshop in the State of Florida.

SUMMARY: The Department is conducting a workshop as part of its annual training and technical assistance projects. The goal of this training and the technical assistance project is to improve the capacity of eligible local governments to effectively administer CDBG grants. The project entails three components: 1) a survey of eligible communities active in the CDBG program to determine training and technical assistance needs; 2) a workshop to discuss and prioritize the results of the survey; and 3) the development of a five-year strategy for providing training and technical assistance.

ACTION TO BE TAKEN: At the workshop, staff from the Florida Small Cities CDBG program and ICF Consulting will conduct a focus group to discuss the results of a statewide survey and determine the training and technical assistance needs of the attendees.

A copy of the agenda may be obtained by appearing in person at the agency headquarters or by email or calling: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644, e-mail: rick.miller@dca.state.fl.us.

Any person requiring a special accommodation at this workshop because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the workshop. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)922-8771 (TDD).

The **Department of Community Affairs** (DCA) announces the first in a series of four training courses to which elected officials and staff from local governments eligible for the Florida Small Cities Community Development Block Grant (CDBG) Program are eligible to attend.

DATES AND TIME: May 23-27, 2005, 8:00 a.m. – 5:30 p.m. EST

PLACE: Central Florida Community College, Klein Conference Center, 3001 South West College, Ocala, Florida 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide Economic Development Financial training for up to 50 persons interested in enhancing the economic vitality of eligible Small Cities CDBG Program communities and obtaining the designation of Economic Development Finance Professional in the State of Florida.

SUMMARY: The Department has contracted with the National Development Council (NDC) to conduct the Economic Development Finance Professional Training (ED101) as part of the Small Cities CDBG Program training and technical assistance initiative. The five-day course is being provided for Small Cities CDBG eligible communities to assist them in obtaining the skills necessary to more effectively address economic development needs within local communities. There is no fee for the course. Local economic development staff are encouraged to take advantage of this opportunity. Persons interested in attending the training must register by April 22, 2005. Registration materials can be downloaded from the Department's website: <http://www.floridacommunitydevelopment.org/cdbg/index.cfm>.

For information about the training, please contact: Patrick Howard, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1880, (850)487-3644, e-mail: Patrick.Howard@dca.state.fl.us.

Any person requiring a special accommodation at this workshop because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the workshop. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System, 1(800)922-8771 (TDD).

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#### DEPARTMENT OF TRANSPORTATION

The **Department of Transportation** announces a meeting between Port of Palm Beach, the Department of Transportation, the Florida East Coast Railroad, City of Riviera Beach, Palm Beach County, and the Metropolitan Planning Organization:

DATE AND TIME: Monday, April 18, 2005, 10:00 a.m.

PLACE: Port of Palm Beach, Sixth Floor Conference Room, One East 11th Street, Suite 400, Riviera Beach, FL 33404

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is to discuss State Road 710 and railroad grade crossings in Palm Beach County.

For further information or for questions regarding the meeting, contact: Larry Merritt, Multimodal Programs Manager, (954)777-4683, Suncom 436-4683, Cell (954)410-4177, e-mail: Larry.Merritt@dot.state.fl.us.

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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 CITRUS**

The **Department of Citrus** announces a public meeting of the Inspection Committee to which all persons are invited.

DATE AND TIME: Tuesday, April 19, 2005, 1:30 p.m.

PLACE: Florida Department of Citrus, 1115 E. Memorial Blvd., Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss current inspection services applicable to processed citrus products 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.

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, April 20, 2005, 9:00 a.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balanced scorecards, licensing, rulemaking, and other matters addressed during monthly meetings of the Commission. The Commission may also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues related to the Tampa Juice, et. al. & Graves Brothers, et. al. vs. FDOC and The Lakeland Ledger Publishing Company, Publisher of The Ledger vs. FDOC. The parties attending the closed session will be John R. Alexander, Patrick Carlton, Michael L. Carrere, Tristan G. Chapman, W. Cody Estes, Sr., Harry H. Falk, William J. Ferrari, George T. Pantuso, Anina C. McSweeney, Stephen W. Ryan, Ray Smith, Andrew R. Taylor, Dan Gunter, Hank B. Campbell, Esq., Monterey Campbell, Esq., Barry Richard, Esq., and Kenneth O. Keck, Esq.

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, (863)499-2500.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 20, 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 the rescheduling of a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 040130-TP – Joint petition by NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC, on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC, for arbitration of certain issues arising in negotiation of interconnection agreement with BellSouth Telecommunications, Inc.

DATES AND TIMES: April 26, 2005, 11:00 a.m.; April 27-28, 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 joint petition by NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc., KMC Telecom III LLC, and Xspedius Communications, LLC, on behalf of its operating subsidiaries Xspedius Management Co. Switched Services, LLC and Xspedius Management Co. of Jacksonville, LLC, for arbitration of certain issues arising in negotiation of interconnection agreement with BellSouth Telecommunications, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on March 7, 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).

The Florida **Public Service Commission** announces a hearing 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 29, 2005, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To permit parties to present testimony and exhibits relative to the petition for approval of long-term fuel supply and transportation contracts for Hines Unit 4 and additional system supply and transportation, by Progress Energy Florida, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on April 18, 2005. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

#### **EXECUTIVE OFFICE OF THE GOVERNOR**

The first meeting of the **Governor's Ex-offender Task Force** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Thursday, April 28, 2005, 8:30 a.m. – 5:00 p.m.

PLACE: Cabinet Room of the Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Presentations will include, but not be limited to, goals of the Task Force, introductions of members, reports from the Department of Corrections and the Department of Juvenile Justice, an overview of national reentry and the proposed federal Second Chance Act.

The **Governor's Faith-Based and Community Advisory Board** announces the following meeting of the board to which all persons are invited to attend.

MEETING TYPE: Municipal Partnerships' Mayor's Brunch

DATE AND TIME: Friday, April 29, 2005, 10:00 a.m.

PLACE: Mayor's Board Room, City of Jacksonville, 117 West Duval Street, Suite 400, Jacksonville, Florida

For a copy of the agenda and more information contact: Mark Nelson, (850)413-0909, e-mail: mark@volunteerflorida.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

#### **REGIONAL PLANNING COUNCILS**

The **West Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 18, 2005, 5:00 p.m.

PLACE: Niceville Community Center, 204 North Partin Drive (SR 285), Niceville, FL 32578

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the West Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Terry Joseph, Interim Executive Director, West Florida Regional Planning Council, P. O. Box 9759, Pensacola, Florida 32513-9759.

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Wednesday, April 20, 2005, 9:00 a.m. – 10:15 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Wednesday, April 20, 2005, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

**GENERAL SUBJECT MATTER TO BE DISCUSSED:** Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Mayana Anderson, (352)732-1315.



The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, April 21, 2005, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 20, 2005, 10:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751 (Please call (407)623-1075, Ext. 304, to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Mr. Jeff Jones, Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751, website: [www.ecfrpc.org](http://www.ecfrpc.org).

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive/Budget Committee

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, May 9, 2005, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, May 9, 2005, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

DATE AND TIME: Monday, May 23, 2005, 9:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location.)

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The District II, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

PLACE: Tallahassee Fire Department, Training Division Classroom, 2964 Municipal Way, Tallahassee, Florida 32303

DATE AND TIME: Wednesday, April 20, 2005, 10:00 a.m. Eastern Time, 9:00 a.m. Central Time

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regularly scheduled LEPC meeting.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, FL 32424, (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

## COMMISSION ON ETHICS

The **Commission on Ethics** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, April 21, 2005, 8:30 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone Road, Building C, Room C307, Hearing Room A, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular Commission Meeting.

A copy of the agenda may be obtained by writing: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709.

Meeting materials also will be available from 8:00 a.m. – 5:00 p.m., Monday through Friday at 3600 Maclay Blvd., S., Suite 201, prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to a matter considered at this meeting, he will need a record of the proceeding, and for such purpose he may need to ensure that a verbatim record of this proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Commission at least 48 hours before the meeting by contacting: Commission on Ethics, (850)488-7864. If you are hearing or speech impaired, please contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

**WATER MANAGEMENT DISTRICTS**

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting to which all interested persons are invited:

THE HERNANDO COUNTY WEEKI WACHEE RIVER AND SPRINGS TASK FORCE MEETING

DATE AND TIME: Monday, April 18, 2005, 3:00 p.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, Florida

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, FL 34604, 1(800)423-1476, Extension 4400.

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).

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested parties are invited to attend:

MANASOTA BASIN BOARD MEETING

DATE AND TIME: Wednesday, April 20, 2005, 9:00 a.m.

PLACE: SWFWMD, Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Consideration of Basin business including Basin Board review of Cooperative Funding proposals and associated budgetary implications.

HERNANDO COUNTY’S GROUNDWATER PROTECTION WORKSHOP

DATE AND TIME: Thursday, April 21, 2005, 8:30 a.m. – 4:00 p.m.

PLACE: Sand Hill Scout Reservation, 11210 Cortez Boulevard, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Inform the community and policymakers of groundwater, and promote efforts to preserve its quality and quantity. Some members of the District’s Governing Board and Withlacoochee River and Coastal Rivers Basin Boards may attend.

These are public meetings and agendas are available by contacting the 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.

NOTICE OF REVISION – The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: April 11, 2005, 10:00 a.m. – completed

PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Water Resources Advisory Commission (WRAC) regarding EAA/STA-2 – Cell 4, Acceler8 Issues Workshop.

A copy of the agenda may be obtained at: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, Florida 33416-4680, District Website (<http://www.sfwmd.gov/agenda.html>).

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact: Rick Smith, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6517.

NOTICE OF REVISION – 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 a.m. – complete

PLACE: Okeechobee Shrine Club, 1855 S. W. 53rd Street, Okeechobee, Florida

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, Florida 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.

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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.

	General Fund	Special Revenue Funds	Capital Projects Funds	Internal Service Fund	Total
<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>
<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: Marcie Daniel, SFWMD, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, (561)682-6469.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: April 21, 2005, 10:00 a.m. – 1:00 p.m.

PLACE: SFWMD, Lower West Coast Regional Service Center, 2301 McGregor Blvd., Ft. Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Lower West Coast Water Management Plan Update.

A copy of the agenda may be obtained at: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, Florida 33416-4680, District Website: <http://www.sfwmd.gov/agenda.html>.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact: Linda Hoppes, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-2213.

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The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: April 22, 2005, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida (The above address shall be the designated access point for public attendance of the meeting.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Basin Business.

A copy of the agenda may be obtained by writing: Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings 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 Ann Christian, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Ann Christian, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Monday, April 25, 2005, 2:00 p.m.

PLACE: Town of Jupiter Community Center, 210 Military Trail, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6880, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Gardenia Banks Long, Martin/St.Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3617.

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## REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Board Workshop and Regular Board Meeting to which all persons are invited:

DATE AND TIME: Monday, April 18, 2005, 8:30 a.m.

PLACE: Tampa Bay Water, 2535 Landmark Drive, Suite 211-A, Clearwater, Florida 33761

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2005/2006 Budget Workshop immediately followed by the Regular Board Meeting.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing Tampa Bay Water or can be accessed on the Web: [www.tampabaywater.org](http://www.tampabaywater.org).

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular April monthly board meeting as scheduled. This is a public meeting to which all persons are invited:

DATE AND TIME: April 20, 2005, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council to which all interested parties are invited.

DATE AND TIME: Thursday, April 14, 2005, 9:30 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 study and make recommendations on the collection, analysis and dissemination of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Helen Sancho, (850)922-5572, 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/chismetings.shtml> seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces two public meetings of the Council for the Regular Disproportionate Share Program to which all persons are invited.

DATE AND TIME: April 15, 2005, 1:00 p.m. – 3:00 p.m.

PLACE: Via Conference Call, Phone Number (850)410-0967

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with HB 1843, Section 13 (9) of the 2004-05 Florida Legislature, and 409.911, F.S., the Agency for Health Care Administration has created the Medicaid Disproportionate Share Council:

The purpose of the council is to study and make recommendations regarding:

1. The formula for the regular disproportionate share program and alternative financing options;
2. Enhanced Medicaid funding through the Special Medicaid Payment program; and
3. The federal status of the upper-payment-limit funding option and how this option may be used to promote health care initiatives determined by the council to be state health care priorities.

The council shall include representatives of the Executive Office of the Governor and of the agency; representatives from teaching, public, private nonprofit, private for-profit and family practice teaching hospitals; and representatives from other groups as needed.

The council shall submit its findings and recommendations to the Governor and the Legislature no later than February 1 of each year.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda has not been set. Contact Edwin Stephens, (850)413-8067, Suncom 294-8067, with any questions or to obtain an agenda when it is set.

The **Agency for Health Care Administration** announces a meeting/public forum of the Governor’s Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Tuesday, April 19, 2005, 9:30 a.m.

PLACE: The Mailman Center for Child Development, 8th Floor Auditorium, University of Miami Miller School of Medicine, Jackson Memorial Hospital, 1601 Northwest 12th Avenue, Miami, Florida 33136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at [www.fdhc.state.fl.us/dhit/index.shtml](http://www.fdhc.state.fl.us/dhit/index.shtml) seven (7) days prior to the meeting.

**DEPARTMENT OF MANAGEMENT SERVICES**

The **State Technology Office**, Wireless 911 Board announces the following meeting schedule information:

MEETING: Wireless 911 Board Meeting

DATE AND TIME: May 24, 2005, 9:00 a.m. –5:00 p.m.

PLACE: Sandestin Golf & Beach Resort, Destin, Florida

MEETING: Rural County Grant Committee to discuss 2005 Rural County Grant Applications

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

PLACE: Sandestin Golf & Beach Resort, Destin, Florida

MEETING: Wireless 911 Service Provider Cost Recovery Proposals

DATE AND TIME: June 15, 2005, 9:00 a.m. – 5:00 p.m.

PLACE: Peabody Hotel, Orlando, Florida

MEETING: Wireless 911 Board Meeting

DATE AND TIME: June 16, 2005, 9:00 a.m. – 5:00 p.m.

PLACE: Peabody Hotel, Orlando, Florida

MEETING: Wireless 911 Board Meeting

DATES AND TIME: July 13-14, 2005, 9:00 a.m. – 5:00 p.m.

PLACE: Marco Island Marriott, Marco Island, Florida

MEETING: Wireless 911 Board Meeting

DATES AND TIME: August 10-11, 2005, 9:00 a.m. –5:00 p.m.

PLACE: World Golf Village, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rural County Grant Committee to discuss 2005 Rural County Grant Applications

If accommodation due to disability is needed in order to participate, please notify the State Technology Office/Wireless 911 Board in writing at least five (5) days in advance at 4050 Esplanade Way, Tallahassee, Florida 32399-0950.

The **State of Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: April 18-19, 2005, 8:30 a.m.

PLACE: Sheraton Ft. Lauderdale Airport, 1825 Griffin Road, Dania Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the agenda may be obtained by writing: State Retirement Commission, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodation because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: April 19, 2005, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032, The meet-me telephone number is (850)488-7483, Suncom 278-7483.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination. A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The **Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco** announces a rule development workshop to which all persons are invited.

DATE AND TIME: Friday, May 13, 2005, 8:00 a.m. – 5:00 p.m.

PLACE: Alcoholic Beverages and Tobacco Roscoe Hargett Conference Room, Suite 26, 1940 North Monroe Street, Tallahassee, Florida 32399-1020

GENERAL SUBJECT MATTER TO BE CONSIDERED: This rule development workshop will consider new rule language, Rules 61A-7.006 through 61A-7.009, F.A.C., as noticed in the February 25, 2005, Florida Administrative Weekly, Vol. 31, No. 8, that addresses the Florida Clean Indoor Air Act.

A copy of the public portion of the agenda may be obtained by writing: Stacey A. Lane, Law Clerk, Florida Department of Business and Professional Regulation, Office of the General

Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-3191, e-mail: Stacey.Lane@dbpr.state.fl.us.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in the proceeding should contact the General Counsel's Office no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The General Counsel's Office may be contacted at the address and phone number listed above.

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The **Regulatory Council of Community Association Managers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: May 6, 2005, 10:30 a.m. (EST)

PLACE: Telephone conference call, to connect dial (850)410-0968, Suncom 210-0968

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: The Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting (850)922-5012. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

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The Florida **Board of Funeral Directors and Embalmers** announces the following meeting, to be held by telephone conference call, which all persons are invited to attend.

DATE AND TIME: April 19, 2005, 10:00 a.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)413-9245, 1(877)651-3473 (outside of Tallahassee), Suncom 293-9245

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 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)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Professional Engineers** announces a public telephone conference call to which all persons are invited.

DATE AND TIME: Monday, April 18, 2005, 10:00 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303; Conference Call Number: 1(800)473-8495

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

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The Florida **Board of Professional Engineers** announces a Probable Cause Panel meeting. Although this meeting is open to the public, portions of the Probable Cause Panel meeting may be closed consistent with law.

DATE AND TIME: Thursday, May 12, 2005, 8:00 a.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such



purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin, (850)521-0500.

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The Florida **Board of Professional Engineers** announces a public meeting of the Educational Advisory and Application Review Committees which all persons are invited.

DATE AND TIME: Wednesday, May 18, 2005, 8:00 a.m.; continuing Thursday, May 19, 2005, 8:00 a.m. if the business of the Committee is not concluded

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review of applications for examination and/or licensure by endorsement and to review applications of foreign educated applicants.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

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The Florida **Board of Professional Engineers** and the Florida Engineers Management Corporation announces a conference call to conduct business of the Board and Corporation, which all persons are invited.

DATE AND TIME: Friday, May 27, 2005, 10:00 a.m. – conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303, Conference Call Number 1(800)497-7708

GENERAL SUBJECT MATTER TO BE CONSIDERED: To act on recommendations from the Educational Advisory and Application Review Committees to approve or deny applications for licensure and any old or new business of the Florida Board of Professional Engineers and the Florida Engineers Management Corporation. Discussion on the contract for the fiscal year 2005-2006.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

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The Florida **Board of Professional Engineers** announces a public meeting to conduct the business of the Board, including committee business to which all persons are invited.

DATES AND TIME: Tuesday, June 21, 2005, 8:30 a.m.; continuing Wednesday, June 22, 2005, 8:30 a.m. if business of the Board is not concluded

PLACE: Safety Harbor Resort and Spa, 105 North Bayshore Drive, Safety Harbor, FL 34695

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Board.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting: Paul J. Martin, (850)521-0500.

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The **Board of Accountancy** announces the following public meetings to which all persons are invited:

DATES AND TIMES: Thursday, April 28, 2005, 10:30 a.m. – Probable Cause Panel; Thursday, April 28, 2005, 3:00 p.m. or as soon thereafter as possible – Budget Task Force Meeting; Friday, April 29, 2005, 9:00 a.m. – Board Meeting; Friday, April 29, 2005, 1:00 p.m. or as soon thereafter as can be heard – Probable Cause Panel

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. The Budget Task force will meet to discuss the Board's budget. This is a public meeting. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public and/or the Board agenda may be obtained by writing: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

Note: Portions of the Probable Cause Panel meeting may be closed to the public.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: John W. Johnson, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The **Florida Real Estate Commission**, Probable Cause Panel announces a meeting to which all interested persons are invited.

DATE AND TIME: April 18, 2005, 4:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired,

please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, April 19, 2005, 8:30 a.m.; reconvening Wednesday, April 20, 2005, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice**, State Advisory Group announces the next quarterly meeting to which all interested persons are invited to participate.

DATES AND TIMES: May 11, 2005, 9:00 a.m. – 5:00 p.m.; May 12, 2005, 9:00 a.m. – 12:00 Noon

PLACE: The Capitol, Knott Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss the general business of the State Advisory Group.

If you request any specifics concerning the State Advisory Group meeting, please contact: Nicki Wright, SAG Coordinator, (850)921-0966.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should also contact Nicki Wright, no later than seven (7) days prior to the meeting, at which special accommodation is required.

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## DEPARTMENT OF HEALTH

The **Department of Health, Board of Dentistry** announces a meeting of the Rules Committee, an official meeting to be held via telephone conference call. All interested parties are invited to attend the telephone conference call, which is open to the public.

DATE AND TIME: April 19, 2005, 5:30 p.m.

PLACE: Telephone Number (850)921-6623

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed rule changes.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474.

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The **Board of Nursing**, South Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: April 21, 2005, 5:00 p.m.

PLACE: Department of Health, Tallahassee, FL, Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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The **Board of Respiratory Care** hereby gives notice of a workshop on Rule 64B32-6.004, Procedures for Approval of Attendance at Continuing Education Courses, to which all interested persons are invited to participate.

DATE AND TIME: April 22, 2005, 9:00 a.m. or as soon thereafter as it can be heard

PLACE: The Renaissance Hotel, 1617 South East 17th Street, Ft. Lauderdale, FL 33316

A notice of rule development was published in Vol. 31, No. 14 of the April 8, 2005 Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Department of Health** announces a meeting of the Children's Medical Services Network Advisory Council to which all persons are invited:

DATE AND TIME: Friday, April 15, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: Children's Medical Services, Department of Health, Tallahassee Area Office, Conference Room, 2390 Phillips Road, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Children's Medical Services Network Advisory Council, an advisory body appointed by the Secretary of the Florida Department of Health, will meet on Friday, April 15, 2005, 10:00 a.m. – 2:00 p.m. in Tallahassee to review updates of Medicaid, CMSN performance measures, and otherwise fulfill the Council's statutory requirements. The Council is charged with making recommendations and considering the selection and credentialing of health care providers, Children's Medical Services Network policies, methods of payment and cost controls, the scope of benefits, and performance measures.

A copy of the agenda may be obtained from: Joyce Raichelson, Department of Health, (850)245-4200, Ext. 4677, e-mail: Joyce\_Raichelson@doh.state.fl.us

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The **Florida Coordinating Council for Deaf and Hard of Hearing** announces its upcoming meeting to which all persons are invited.

DATE AND TIMES: May 12, 2005, 1:00 p.m. – 6:30 p.m. (Committee meetings – 1:00 p.m. – 3:00 p.m.; Public comment is welcome from 3:30 p.m. – 6:30 p.m.)

To request the agenda or a FCCDHH Public Comment Card call toll free 1(866)602-3275 (V), e-mail: karen\_anderson@doh.state.fl.us.

Business meeting

DATE AND TIME: May 13, 2005, 8:30 a.m. – 5:00 p.m.

PLACE: The World Golf Village Renaissance Resort, 500 S. Legacy Trail, St. Augustine, FL, (904)940-8000

GENERAL SUBJECT MATTER TO BE DISCUSSED: Coordination of services and policy recommendations for accessibility, supports, and services in Florida.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Sign language and oral interpreter services and computer-assisted real-time translation (CART) services will be provided at this meeting. Any person requiring additional accommodations (i.e., deaf-blind interpreting) needs to contact Karen Anderson at least 14 working days prior to the meeting.

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The Probable Cause Panel of the Bureau of **Emergency Medical Services** announces a meeting to which all interested persons are invited.

DATE AND TIME: April 8, 2005, 1:00 p.m. or the soonest thereafter

PLACE: 4025 Esplanade Way, 3rd Floor, Room 315P, Tallahassee, Florida 32399-1738

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Bureau Emergency Medical Services, (850)245-4440 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If your are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Probable Cause Panel of the Bureau of **Emergency Medical Services** announces a meeting to which all interested persons are invited.

DATE AND TIME: April 22, 2005, 1:00 p.m. or the soonest thereafter

PLACE: 4025 Esplanade Way, 3rd Floor, Room 315P, Tallahassee, Florida 32399-1738

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Bureau Emergency Medical Services, (850)245-4440 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If your are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: May 26, 2005, 9:00 a.m.

PLACE: Florida Onsite Wastewater Association Training Center, 2301 State Road 557, North, Polk City, FL 32868, (863)956-5540

GENERAL SUBJECT MATTER TO BE CONSIDERED: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

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The Probable Cause Panel of the Bureau of **Emergency Medical Services** announces a meeting to which all interested persons are invited.

DATE AND TIME: June 24, 2005, 1:00 p.m. or the soonest thereafter

PLACE: 4025 Esplanade Way, 3rd Floor, Room 315P, Tallahassee, Florida 32399-1738

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Bureau Emergency Medical Services, (850)245-4440 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Bureau of Emergency Medical Services using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida Alliance for Diabetes Prevention and Care, DATA WORKGROUP: **Department of Health**, Diabetes Prevention and Control Program will hold a workgroup meeting via conference call, to which all interested persons are invited to participate.

DATE AND TIME: Thursday, April 21, 2005, 12:00 Noon – 1:00 p.m.

PLACE: Toll Free No. – provided by moderator

If you would like to join the conference call, have questions, or require additional information, please contact: M.R. Street, (850)245-4330.

All requests for special accommodations must be received by Tuesday, April 19, 2005, 5:00 p.m., Eastern Time.

The Florida Alliance for Diabetes Prevention and Care, EDUCATION WORKGROUP: **Department of Health**, Diabetes Prevention and Control Program will hold a workgroup meeting via conference call, to which all interested persons are invited to participate.

DATE AND TIME: Friday, April 22, 2005, 12:00 Noon – 1:00 p.m.

PLACE: Toll Free No. – provided by moderator

If you would like to join the conference call, have questions, or require additional information, please contact: M.R. Street, (850)245-4330. All requests for special accommodations must be received by Wednesday, April 20, 2005, 5:00 p.m., Eastern Time

The Florida Alliance for Diabetes Prevention and Care, COMMUNITY PARTNERSHIPS WORKGROUP: **Department of Health**, Diabetes Prevention and Control Program will hold a workgroup meeting via conference call, to which all interested persons are invited to participate.

DATE AND TIME: Thursday, April 28, 2005, 12:00 Noon – 1:00 p.m.

PLACE: Toll Free No. – provided by moderator

If you would like to join the conference call, have questions, or require additional information, please contact: M.R. Street, (850)245-4330. All requests for special accommodations must be received by Tuesday, April 26, 2005, 5:00 p.m., Eastern Time.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Northwest Florida Community Alliance** will hold its regular quarterly meeting to which all interested persons are invited to participate.

DATE AND TIME: April 21, 2005, 2:00 p.m. Central Time

PLACE: W. T. Neal Civic Center, Blountstown, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Alliance is an advisory and oversight body for the Department of Children and Families and its community based care system for foster care and related services in Subdistrict 2A (Washington, Holmes, Calhoun, Jackson, Gulf and Bay Counties.) The meeting will be held for conducting the regular business of the Alliance, and election of officers.

Persons needing accommodations should contact: Debra Ervin, (850)922-0408.

For questions or copies of the agenda, please contact: Debra Ervin, (850)922-0408.

The **Department of Children and Family Services** announces negotiation meetings.

DATES AND TIMES: February 29, 2005, 2:00 p.m.; March 1, 2005, 1:00 p.m. and will continue each Wednesday until completed

PLACE: Benton Building, 337 N. US Highway One, Fort Pierce, FL 34950

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited.

Executive Committee:

DATE AND TIME: April 13, 2005, 9:00 a.m. – 11:00 a.m.

PLACE: Clem C. Benton Bldg., Room 335, 337 N. US Hwy #1, Ft. Pierce, FL 34950

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlle Clark, ADA Coordinator, (772)467-4184, at least five 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).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

**ALLIANCE MEETING**

DATE AND TIME: April 22, 2005, 8:30 a.m. – 10:30 a.m.

PLACE: Hibiscus Village, 1145 12th Street, Vero Beach, Florida

For more information, please contact: Linda Poston, Personal Secretary 1, 337 North US Hwy. 1, Room 327, Fort Pierce, Florida 34950, (772)467-4178

**SPECIAL ACCOMMODATION:** Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Pearlie Clark, ADA Coordinator, (772)467-4184, at least five 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).

**DEPARTMENT OF FINANCIAL SERVICES**

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2005, 11:00 a.m.

PLACE: Woodcrest Office Park, Atrium Building, 3rd Floor, 325 John Knox Road, Tallahassee, FL 32399-0342

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Quarterly meeting of the Florida Fire Safety Board.

A copy of the agenda may be obtained by writing: Nancy Ray, Division of State Fire Marshal, Bureau of Fire Prevention, Regulatory Licensing Section, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)413-3622.

In accordance with the American Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the person listed above no later than 48 hours prior to the meeting or workshop.

**VISIT FLORIDA**

The **VISIT FLORIDA**, Board of Directors announces a public meeting as follows:

Meeting: Rural Research Task Force

DATE AND TIME: April 12, 2005, 10:30 a.m. – 11:30 a.m.

PLACE: VISIT FLORIDA Corporate Offices, 661 East Jefferson Street, Tallahassee, FL 32301, (850)488-5607

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss committee business.

For further information contact: Jill Rutli, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 347.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

The **VISIT FLORIDA**, Board of Directors announces a public meeting as follows:

Meeting: Finance Committee

DATE AND TIME: April 15, 2005, 10:00 a.m. – adjournment

PLACE: VISIT FLORIDA Corporate Offices, 661 East Jefferson Street, Tallahassee, FL 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss FY 2005/06 budget.

For further information contact: Heather Vargo, VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 316.

Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces a FAJUA Operating Committee Meeting public meeting to which all persons are invited:

Operating Committee Meeting

DATE AND TIME: Thursday, April 14, 2005, 1:00 p.m.

PLACE: Hillsborough County Aviation Authority Conference Room, Tampa Airport, Tampa, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Review proposed changes in the FAJUA Underwriting Manual for recommendation to the Board of Governors.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, e-mail: lstoutamire@fajua.org.

**ECONOMIC COUNCIL OF PALM BEACH COUNTY**

The **Economic Council of Palm Beach County**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 20, 2005, 12:00 Noon

PLACE: Economic Council of Palm Beach County, Inc., 1555 Palm Beach Lakes Boulevard, Suite 400, West Palm Beach, FL 33401

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular monthly meeting to discuss public policy issues affecting Palm Beach County including transportation.

A copy of the agenda may be obtained by writing: The Economic Council of Palm Beach County, Inc., 1555 Palm Beach Lakes Boulevard, Suite 400, West Palm Beach, FL 33401. The Economic Council of Palm Beach County, Inc. is comprised of business leaders from Palm Beach County.

If you are hearing or speech impaired, please contact the Economic Council of Palm Beach County, Inc., (561)684-1551. If you require special accommodations because of a disability or physical impairment, please contact the Council, (561)684-1551, at least five calendar days prior to the meeting.

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#### FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings to which all interested persons are invited to participate.

MEETING: Bylaws Taskforce Meeting

DATE AND TIME: Tuesday, May 3, 2005, 1:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Personnel Taskforce Meeting

DATE AND TIME: Tuesday, May 3, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, May 4, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Evaluation Committee Meeting

DATE AND TIME: Wednesday, May 4, 2005, 3:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, May 5, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Finance Committee Meeting

DATE AND TIME: Wednesday, May 11, 2005, 10:30 a.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Friday, May 13, 2005, 1:30 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy Committee Meeting

DATE AND TIME: Thursday, May 19, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Development Committee Meeting

DATE AND TIME: Tuesday, May 24, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Outreach Committee Meeting

DATE AND TIME: Tuesday, May 24, 2005, 4:00 p.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Full Council Meeting

DATES AND TIME: Tuesday-Friday, June 7-10, 2005, TBA

PLACE: Raddison Resort Parkway, 2900 Parkway Boulevard, Kissimmee, FL 34747

MEETING: Points Committee Meeting

DATE AND TIME: Wednesday, June 15, 2005, 10:00 a.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624, 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

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**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Division of Community Planning received a request for Declaratory Statement on March 23, 2005, from Bay County, Florida, represented by Terrell K. Arline regarding the Division's interpretation of Section 163.3187(1)(c)1.f., Fla. Stat. (2004), as it relates to whether a FLUM amendment involving a residential land use of more than 10 units/acre qualifies as a small-scale amendment if the underlying FLUM category allowed the same residential density.

It has been assigned the number DCA05-DEC-065.

A copy of the request may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on March 28, 2005, from W.W. Schaefer Engineering & Consulting, P.A. regarding the relationship and interaction of the Florida Building Code requirements for window anchorage and product approval of windows tested in accordance with ASTM E330 for the purpose of obtaining Commission approval pursuant to Chapter 9B-72, F.A.C.

It has been assigned the number DCA05-DEC-066.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, William A. Grubbs, Petitioner, Sandpiper Village Condominium Association, Inc.; Docket Number 2005016727.

Whether a condominium declaration prohibiting multiple owners of a single unit from simultaneously serving on the board of directors conflicts with Section 718.112(2)(d), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2005016727, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Chiropractic Medicine hereby gives notice that it has issued a Final Order on the Petition for Declaratory Statement filed by Fred M. Vanderschaaf, D.C. The Notice of Petition for Declaratory Statement was published in Vol. 31, No. 6, of the February 11, 2005, Florida Administrative Weekly. The Board of Chiropractic Medicine considered the Petition at its meeting held on February 18, 2005, in Jacksonville, Florida. The Board's Final Order, filed on March 21, 2005, denies the petition.

A copy of the Board's Order may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.



**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

Sylvan Lea, Inc. vs. Southwest Florida Water Management District; Case No.: 05-1099RP; Rule No.: 40D-4.041

The Florida Insurance Council, Inc., The American Insurance Association and the Property Casualty Insurers Association of America vs. Department of Financial Services, Office of Financial Regulation and the Financial Services Commission; Case No.: 05-1012RP; Rule No.: 69O-125.005

Manning Building Supplies, Inc. vs. Department of Financial Services; Case No.: 05-0998RX; Rule Nos.: 69L-5.101(4), 69L-5.102(2)(b),(3), 69L-5.103(3)(a)

Frank Baker vs. Department of Agriculture and Consumer Services; Case No.: 05-0947RU

Frank M. Bafford, Sr. vs. Florida Commission on Human Relations; Case No.: 05-0966RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

AMEC Civil, LLC vs. Department of Transportation; Case No.: 04-3252RU; Withdrawn

Sc. Read, Inc., A Florida Corporation and Jennifer Finch, as parent, Legal Guardian and Next Friend of Christopher Brady, A Minor and Tuscawilla Home Owners' Association, Inc. vs. Seminole County School Board; Case No.: 04-4304RP; Dismissed

**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-259, North Hall Bathroom Renovations, estimated budget: \$375,000.00 to be opened April 25, 2005, at 2:00 p.m. Local Time. Scope of work: Renovation of bathrooms located in North Hall. 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 9:00 a.m. in the Weaver Hall Recreation Room, 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.

**NOTICE TO PROFESSIONAL CONSULTANTS**

The Florida State University, State of Florida announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project No.: FS-274  
 Project and Location: FSU Engineering Research Building  
 Florida State University,  
 Tallahassee, Florida

The project consists of construction of a world class research building to house the activities and equipment essential to the Florida Advanced Center for Composite Technologies, a state research institute. Spaces to be constructed will include research labs with both wet lab and technology capabilities, offices and support spaces. Total planned new space is 78,135 gross square feet. Project location will be on the Florida State University Southwest Campus in Tallahassee, Florida. The selected firm will provide design, construction documents and administration for the referenced project which is budgeted at \$14,184,130 for construction. The project delivery system will

be Construction Management. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of Basic Services.

**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Florida State University "Professional Qualifications Supplement," dated August, 2003. Applications on any other form, or on versions dated prior to 8/03, will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit six (6) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for Florida State University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website, [www.fpc.fsu.edu](http://www.fpc.fsu.edu), or by contacting: Lynetta Mills, Facilities Planning and Construction, 109 Mendenhall Maintenance, Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, (850)644-8351 facsimile.

For further information on the project, contact: Kim Ball, Project Manager, at the address and phone listed above.

Submittals must be received in the above office, by 2:00 p.m., local time, on May 10, 2005. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

**NOTICE TO DESIGN BUILD TEAMS**

The University of South Florida, announces that Qualifications Based Design/Build Services (QB/DB) is required for the project listed below.

Project Number: 590

**PROJECT AND LOCATION:** University of South Florida, Tampa Campus Infrastructure Project, University of South Florida, Tampa, Florida.

The project consists of the design and construction of campus infrastructure projects including, but not limited to, the campus chilled and hot water systems, potable water systems, sanitary sewer systems, storm drainage systems, electrical systems, irrigation and landscaping, roads, bike lanes, signage, and campus security systems. The infrastructure projects may be implemented as individual projects in phases and may include projects designed by other design consultants and constructed by this Design/Build Team. The anticipated range of Design/Build project costs for individual projects is projected to be, but shall not be limited to, \$100,000 to \$5,000,000 each.

The Design/Build Team (Design and Construction Services Team/DCST) shall be responsible for the management of the process and projects to meet project scope, budget and schedule requirements. The management of the process and projects by the Design Build Team shall facilitate the University's campus infrastructure needs, and accomplishing those needs within the mandatory project schedule and budget requirements.

The Design/Build Services contract shall be in compliance with the qualifications based Design/Build selection provisions in Section 287.055, F.S. and Rule 6C-14.007, F.A.C., including pre-construction fees, construction related service costs and a guaranteed maximum price. It is the University's responsibility to negotiate a fair, competitive, and reasonable compensation per Section 287.055, F.S. A fair, competitive and reasonable compensation shall be evaluated based upon the following information: (1) Compensation on similar projects; (2) Other compensation reference data; and (3) After approval of the ranking, proposals may be requested from the short listed firms based upon a scope of services document to be provided at the time of negotiations. The University will contract with a single contract entity whose Design/Build Team shall provide all services including, but not necessarily limited to professional services, budgeting, construction services, labor, materials, and equipment required to design, construct, and furnish the project and may include schematic studies for possible future phases. The selected team will be required to provide computer drawings according to the standards of the University of South Florida, including computer record drawings reflecting as-built conditions. Blanket professional liability insurance shall be required for this project in the amount of \$500,000 and will be provided as a part of Basic Services. The projected contractual value for this project is approximately \$6,000,000 to \$8,000,000. If additional funding is realized, the University has

the option to incorporate additional scope/funding under this contract. The Design/Build firm must be capable of bonding at 100% of the value of the contract with a surety licensed to do business in the State of Florida with a Best rating of A, Class VIII. The Design/Build firm shall be required to provide builders risk insurance, general liability insurance and workers compensation insurance. All project development including professional services is contingent upon availability of funds.

**INSTRUCTIONS:**

Teams desiring to apply for consideration shall submit a Request for Qualifications submittal including a letter of interest, a completed "Design and Construction Services Qualification Supplement form (DCSQS), dated April 2005" with attachments, and additional information required within the proposal limits as described in the Request for Qualifications dated April 2005. Applications submitted in any other format may not be considered. The Request for Qualifications dated April 2005 and the Design and Construction Services Qualifications Instructions and Supplement form dated April 2005, which includes project information and selection criteria, may be obtained by contacting: Kathy Bennett, Contracts Administrator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, via e-mail: kbennett@admin.usf.edu, phone (813)974-3098, (813)974-2625, Fax (813)974-3542. All teams must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, or a joint venture, it must be registered by the Department of State to do business in the State of Florida at the time of application. If the applicant is the contract entity and has a consultant to perform the design or construction services, the contract entity and consultant must have an agreement at the time of application to formally contract for consulting services. Firms applying as "Associations", without a registered joint venture agreement, or a contract entity and consultant without an agreement, will not be considered.

Selection of finalists for interview will be made on the basis of qualifications of the proposed design/build team, including team qualifications, team experience and ability to provide service in meeting the project requirements and the goals and objectives of the University's Strategic Plan. As part of the University of South Florida's strategic plan, USF made a commitment to foster collaboration, open and timely communication, mutual respect, trust and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction related services. Applications that do not comply with the above instructions may be disqualified. Submittals are part of the public record

and no submittal material will be returned. The plans and specifications for the University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Interested teams are invited and encouraged to attend a Pre-Submittal meeting at the University of South Florida, Phyllis P. Marshall Center, Room 271, to be held at 1:30 p.m., Eastern Time, on Wednesday, April 27, 2005, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted.

It shall be noted that no communication shall take place between the applicants and the University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the RFQ and DCSQS. Requests for any additional information or clarification at any other time than listed above must be in accordance with the RFQ. One original and six (6) bound copies of the required information shall be submitted to the attention of the Project Manager, Ralph Martinez, Project Manager, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550 by 2:00 p.m., Eastern Time, on Wednesday, May 11, 2005. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The University reserves the right to suspend or discontinue the selection process at any time and to reject any or all submissions of Design/Build proposals without obligation to the respondent.

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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."

**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: 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, via email: [Essie.turner@dep.state.fl.us](mailto:Essie.turner@dep.state.fl.us). Interested parties may also address inquiries to: Florida Energy Office, Florida

Department of Environmental Protection, 3900 Commonwealth Boulevard, MS #19, Tallahassee, Florida 32399-3000.

**Section XII  
Miscellaneous****DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Bernie Little Heliport, a private airport, in Marion County, at Latitude 29° 10' 10" and Longitude 082° 08' 59", to be owned and operated by Mr. Bernard Little, 1314 S. W. 17th. Street, Ocala, FL 34474.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, e-mail: [aviation.fdot@dot.state.fl.us](mailto:aviation.fdot@dot.state.fl.us), Website: <http://www.dot.state.fl.us/aviation>.

**ADMINISTRATIVE HEARING RIGHTS:** Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Porsche Cars North America, Inc., intends to allow the establishment of Continental Motorcars, Inc., as a dealership for the sale of Porsche motor vehicles at 509 East NASA Boulevard, Melbourne (Brevard County), Florida 32901. The dealership is to be established on or after June 1, 2005.

The name and address of the dealer operator is Robert Bruce Deardoff, 181 Admirals Way, South, Ponte Vedra Beach, Florida 32082. The name and address of the 100% investor is Robert Bruce Deardoff, 181 Admirals Way South, Ponte Vedra Beach, Florida 32082.

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 U. S. Mail to: Samuel Stoltz, Porsche Cars North America, Inc., 980 Hammond Drive, Suite 1000, Atlanta, Georgia 30328.

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, Zongshen, Inc., intends to allow the establishment of The Kar Lot, Inc., as a dealership for the sale of Zongshen motorcycles at 2902 East Sunrise Boulevard, Fort Lauderdale (Broward County), Florida 33304, on or after January 25, 2005.

The name and address of the dealer operator(s) and principal investor(s) of The Kar Lot, Inc., are dealer operator: Joe Farr, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304; principal investor(s): Joe Farr, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304.

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: Cavan Chan, Vice President, Zongshen, Inc., 10530 Northwest, 37 Terrace, Miami, Florida 33178.

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, Zongshen, Inc., intends to allow the establishment of Dealers Wholesale, Inc., as a dealership for the sale of Zongshen motorcycles at 3250 Northwest, 23rd Avenue, Pompano Beach (Broward County), Florida 33064, on or after January 25, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Dealers Wholesale, Inc., are dealer operator: I. Loiterstein, 3250 Northwest 23rd Avenue, Pompano Beach, Florida 33064; principal investor(s): I. Loiterstein, 3250 Northwest 23rd Avenue, Pompano Beach, Florida 33064.

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: Cavan Chan, Vice President, Zongshen, Inc., 10530 Northwest, 37 Terrace, Miami, Florida 33178.

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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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, Subaru of America, Inc., Southeast Region, intends to allow the establishment of Central Florida Eurocars, Inc., d/b/a Subaru of Central Florida, as a dealership for the sale of Subaru Vehicles, at 217 South Lake Parker Road, Lakeland, Florida 33801, on or after May 10, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Central Florida Eurocars, Inc., d/b/a Subaru of Central Florida are dealer operator: Steven A. Uiterwyk, 217 South Lake Parker Road, Lakeland, Florida 33801; principal investor(s): Steven A. Uiterwyk, 217 South Lake Parker Road, Lakeland, Florida 33801.

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: John Thamer, Regional Business Management Manager, Subaru of America, Inc., Southeast Region, 220 The Bluffs, Austell, Georgia 30168.

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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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 ("ASMC"), intends to allow the establishment of Suzuki of Lakeland, Inc., d/b/a Suzuki of Lakeland, as a dealership for the sale of Suzuki automobiles, at 6565 South Florida Avenue, Lakeland, 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 are dealer operator: Jose DeSousa, 9740 Adamo Drive, Tampa, Florida 33619; principal investor(s): Roger Rivad, 8927 Eagle Watch Drive, Riverview, Florida 33569.

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: Chris Gerkin, Director, Dealer Development, American Suzuki Motor Corporation ("ASMC"), 3251 East Imperial Highway, Post Office 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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Healthcare Administration has received an application for services exemption from Munroe Regional Medical Center pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.207, F.A.C. The services categories for which the exemptions are requested are: Otolaryngology, Orthopedic Surgery, and Plastic Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, (850)414-0360, e-mail: Julie Young, Hospital and Outpatient Services Unit, youngj@fdhc.state.fl.us.

CERTIFICATE OF NEED EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Escambia District: 1
ID # 0400009 Decision: A Issue Date: 3/28/2005
Facility/Project: Century Care Center
Applicant: Century Care Center Investors, Inc.
Project Description: Transfer 10 licensed skilled nursing beds from Santa Rosa Health & Rehab. Ctr. to Century Care Ctr.
Proposed Project Cost: \$33,500

County: Lake District: 3
ID # 0400024 Decision: A Issue Date: 3/23/2005
Facility/Project: South Lake Hospital
Applicant: South Lake Hospital, Inc.
Project Description: Establish adult inpatient diagnostic cardiac catheterization services
Proposed Project Cost: \$2,531,700

County: Columbia District: 3
ID # 0400025 Decision: A Issue Date: 3/28/2005
Facility/Project: Lake City Medical Center
Applicant: Notami Hospitals of Florida, Inc.
Project Description: Provision of adult inpatient diagnostic cardiac catheterization services
Proposed Project Cost: \$2,917,134

NOTICE OF OPEN HEART SURGERY PROGRAM  
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for open heart surgery programs for July 2007, pursuant to the provisions of Rules 59C-1.008 and 59C-1.033, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 25, 2005.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Adult Open Heart Surgery Program Net Need

District	Net Need	District	Net Need
1	0	7	0
2	0	8	0
3	0	9	0
4	0	10	0
5	0	11	0
6	0	Total	0

Pediatric Open Heart Surgery Program Net Need			
Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0

NOTICE OF PEDIATRIC CARDIAC  
CATHETERIZATION PROGRAM  
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for pediatric cardiac catheterization programs for July 2007, pursuant to the provisions of Rules 59C-1.008 and 59C-1.032, F.A.C. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 25, 2005.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of publication of the number. If the Agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day time period will result in no adjustment to the fixed need pool number for this cycle and a waiver of the person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, Florida Statutes. In order to request a proceeding under Section 120.57, Florida Statutes, your request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Building 3, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Pediatric Cardiac Catheterization Program Net Need

Service Area	Net Need	Service Area	Net Need
1	0	4	0
2	0	5	0
3	0	Total	0



NOTICE OF HOSPICE PROGRAM  
FIXED NEED POOL

The Agency for Health Care Administration has projected a fixed need pool for hospice programs, defined in accordance with Sections 400.601-400.602, Florida Statutes (F.S.) and 408.031-408.045, F.S. Fixed need pool projections are for hospice programs planned for July 2006, pursuant to the provisions of Rule 59C-1.0355, Florida Administrative Code. Letters of intent to apply for Certificates of Need pursuant to this notice must be filed with the Certificate of Need Program Office, Building 1, Room 220, 2727 Mahan Drive, Tallahassee, Florida 32308, on or before 5:00 p.m., April 25, 2005.

Any person who identifies any error in the fixed need pool numbers must advise the agency of the error within ten (10) days of the publication. If the agency concurs with the error, the fixed need pool number will be adjusted and republished in the first available edition of the Florida Administrative Weekly. Failure to notify the agency of the error during this ten day period waives a person's right to raise the error at subsequent proceedings. Any other adjustments will be made in the first cycle subsequent to identification of the error including those errors identified through administrative hearings or final judicial review.

Any person whose substantial interest is affected by this action and who timely advised the agency of any error in the action has a right to request an administrative hearing pursuant to Section 120.57, F.S. In order to request a proceeding under Section 120.57, F.S., a request for an administrative hearing must state with specificity which issues of material fact or law are in dispute. All requests for hearings shall be made to the Agency for Health Care Administration and must be filed with the agency clerk at 2727 Mahan Drive, Fort Knox Building Three, Suite 3431, Tallahassee, Florida 32308. All requests for hearings must be filed with the agency clerk within 30 days of this publication or the right to a hearing is waived.

Hospice Program Net Need

Service Area	Net Need	Service Area	Net Need
District 1	0	Subdistrict 5A	0
Subdistrict 2A	0	Subdistrict 5B	0
Subdistrict 2B	0	Subdistrict 6A	0
Subdistrict 3A	1	Subdistrict 6B	1
Subdistrict 3B	0	Subdistrict 6C	0
Subdistrict 3C	0	Subdistrict 7A	0
Subdistrict 3D	0	Subdistrict 7B	0
Subdistrict 3E	0	Subdistrict 7C	0
Subdistrict 4A	0	Subdistrict 8A	0
Subdistrict 4B	0	Subdistrict 8B	0

Service Area	Net Need	Service Area	Net Need
Subdistrict 8C	0	Subdistrict 9C	0
Subdistrict 8D	0	District 10	0
Subdistrict 9A	0	District 11	0
Subdistrict 9B	0	Total	2

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted a draft revision to an existing policy for review and comment on MyFlorida.com at: [http://www.djj.state.fl.us/djj/djjservices/administration/policies\\_procedures/policyreview.shtml](http://www.djj.state.fl.us/djj/djjservices/administration/policies_procedures/policyreview.shtml). Information Technology Resource Planning and Management (department-wide policy type A) – establishes that it is the policy of the Department to ensure a framework for the review, improvement, integration, development and use of information technology resources to support the Department's mission, goals and objectives. The effective management of these resources requires specific Department wide management and technical guidelines.

This policy is posted for a single 20 working day review and comment period, with the closure date for submission of comments on this policy of May 5, 2005. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

**DEPARTMENT OF HEALTH**

On March 29, 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 Mary Louise White, R.N. license number RN 459592. 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 24, 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 Mary Schlitt, R.N., license number RN 2632512. 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.

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On March 28, 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 William Dotzman, D.O. license number OS 8040. 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.

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On March 22, 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 New Day Pharmacy Medical Equipment, Inc., license number PH 21010. 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.

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**DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation has received the following applications.

Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, 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 29, 2005):

**APPLICATION FOR AN INTERNATIONAL REPRESENTATIVE OFFICE**

Application and Location: Lloyds TSB Offshore Limited, St. Helier, Jersey

Proposed Florida Location: One Biscayne Tower, Suite 3200, 2 South Biscayne Boulevard, Miami, Florida 33131

Received: March 21, 2005

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: Florida Bank of Commerce, 105 East Robinson Street, Orlando, Orange County, Florida 32801

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: March 24, 2005

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN March 21, 2005  
 and March 25, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**

**Florida State University**

6C2-4.061	3/21/05	4/10/05	Newspaper	
6C2-6.005	3/21/05	4/10/05	Newspaper	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

61G6-9.001	3/21/05	4/10/05	31/6	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

64B2-16.003	3/24/05	4/13/05	31/7	
64B2-16.0075	3/24/05	4/13/05	31/7	

**Board of Pharmacy**

64B16-26.103	3/23/05	4/12/05	30/52	
64B16-28.1081	3/21/05	4/10/05	31/3	
64B16-28.109	3/21/05	4/10/05	31/3	
64B16-28.111	3/21/05	4/10/05	31/3	
64B16-28.112	3/21/05	4/10/05	31/3	
64B16-28.1191	3/21/05	4/10/05	31/3	
64B16-28.121	3/21/05	4/10/05	31/3	
64B16-28.130	3/21/05	4/10/05	31/3	

**School Psychology**

64B21-504.002	3/22/05	4/11/05	31/5	
64B21-504.003	3/22/05	4/11/05	31/5	
64B21-504.004	3/22/05	4/11/05	31/5	
64B21-505.001	3/21/05	4/10/05	31/5	