

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Mosquito Control Program Administration	5E-13
RULE TITLES:	RULE NOS.:
Definitions	5E-13.021
Eligibility for State Aid Program Directors, Employment and Classification	5E-13.022
Penalty for Failure to Comply with Public Law 92-516, The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of the U.S. Environmental Protection Agency and Their Rules	5E-13.032
Demonstrable Increase or Other Indicator of Arthropod Population Level	5E-13.036
Mosquito Control Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms	5E-13.0371
Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public	5E-13.039
Criteria for Licensure of Applicators	5E-13.040
Criteria for Arthropod Control That May Affect Environmentally Sensitive and Biologically Productive Public Lands and Other Public Lands	5E-13.042

PURPOSE AND EFFECT: The purpose of the rule amendment would clarify definitions of licensure and certification, requirements for the mosquito control director's examination, clarify requirements for demonstrating an increase in arthropod population levels and reduce the number of employees a certified applicator can supervise. It will also clarify requirements for training records, for passing the public health pest control examination and for continuing education units for public health pest control certification, and clarify language regarding arthropod control plans.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address mosquito control activities, licensure and certification including public health pest control certification and licensing, demonstrating an increase in arthropod population levels, supervision by certified applicators, training records, public health pest control examinations and continuing education units, and arthropod control plans for public lands.

SPECIFIC AUTHORITY: 388.361 FS.

LAW IMPLEMENTED: 388.361 FS.

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

TIME AND DATE: 1:00 p.m. – 5:00 p.m., July 21, 2005

PLACE: Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tom Loyless, Bureau of Entomology and Pest Control, Division of Agricultural Environmental Services, 1203 Governors Square Blvd., Suite 300, Tallahassee, FL 32311, (850)922-7011

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:	RULE NOS.:
Standards of National Fire Protection Association Adopted	5F-11.002
Approval of Liquefied Petroleum Gas Containers	5F-11.027
Installation of Containers on Roofs of Buildings	5F-11.028
Inspection of DOT Cylinders	5F-11.029
Out of service account procedure	5F-11.043
Out-of-Gas, Leak Call, and Interrupted Service Procedure	5F-11.044
Dispensing Units	5F-11.045
Introducing Gas into Containers for Transportation; Dealer to Insure Compliance	5F-11.046
Installation of Unvented Room Heaters	5F-11.050

PURPOSE AND EFFECT: The purpose of these rule revisions is to adopt the 2004 edition of National Fire Protection Association Standard #58, The LP-Gas Code, as well as the 2002 edition of National Fire Protection Association Standard #54, the National Fuel Gas Code and to revise references within the existing rules to be consistent with these codes.

SUBJECT AREA TO BE ADDRESSED: This proposed rule will address updates to the existing rules to be current and consistent with the latest edition of these codes.

SPECIFIC AUTHORITY: 527.06 FS.

LAW IMPLEMENTED: 527.06 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Vicki O'Neil, Bureau Chief of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32314-1650 (850)921-8001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-11.002 Standards of National Fire Protection Association Adopted.

The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code ~~2004~~ ~~2001~~ edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, ~~2002~~ ~~1999~~ edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein.

(a) Section ~~6.6.7~~ ~~3-2-10~~ of NFPA 58, ~~2004~~ ~~2001~~ edition, titled "Installation of Containers on Roofs of Buildings," is hereby excluded from adoption.

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which referenced is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in part thereof, as the rule provides or the context of the rule may require.

(3) "NFPA" is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00, 9-2-02, _____.

5F-11.027 Approval of Liquefied Petroleum Gas Containers.

Liquefied petroleum gas containers shall be considered approved when designed, fabricated, tested, and marked (or stamped) in accordance with the requirements of Section ~~5.2~~ ~~2-2-1.3~~, NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 6-5-97, Amended _____.

5F-11.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section ~~6.6.7~~ ~~3-2-10~~ is prohibited.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History--New 6-8-99, Amended 5-23-00, 9-2-02, _____.

5F-11.029 Inspection of DOT Cylinders.

(1) This section pertains to cylinders, which are manufactured to U.S. Department of Transportation (DOT) specifications. DOT cylinders in stationary service that are filled on site, which are not under the jurisdiction of DOT and not requalified according to DOT requirements, shall be inspected according to the following visual inspection criteria:

(a) The cylinder is checked for exposure to fire, dents, cuts, digs, gouges and corrosion according to requirements of Section C.3.2, ~~Annex Appendix~~ C, of NFPA 58.

(b) The cylinder protective collar (where utilized) and the foot ring are intact and are firmly attached.

(c) The cylinder is painted or coated to retard corrosion.

(d) The cylinder pressure relief valve indicates no visible damage, corrosion of operating components, or obstructions.

(e) There is no leakage from the cylinder or its appurtenances that is detectable without the use of instruments.

(f) The cylinder is installed on a firm foundation and is not in contact with the soil.

(g) A cylinder that passes the visual examination shall be legibly marked with the date and year of the examination followed by the letter "E" (example:10-1E indicating requalification in October 2001 by the external visual inspection method.)

(h) The results of the visual inspection shall be documented and a record of the inspection shall be retained for a five-year period.

(2) Any cylinder that fails one or more of the criteria in this section shall not be refilled or continued in service until the condition is corrected. Stationary cylinders shall be visually inspected within 12 years of the date of manufacture and within five years after each subsequent visual inspection.

(3) All DOT cylinders in stationary service on the effective date of this rule, and which are not requalified according to U.S. Department of Transportation standards, shall be inspected according to the criteria of this section no later than January 1, 2008.

(4) Personnel trained and qualified to perform inspection procedures, with such training documented in accordance with Rule 5F-11.060, Florida Administrative Code, shall conduct the visual inspection.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 5-9-04, Amended _____.

5F-11.043 Out of Service Account Procedure.

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, initiate appropriate container abandonment procedures pursuant to Section ~~6.6.6~~ ~~3-2-9-1(f)~~ of NFPA 58. Alternatively, licensed suppliers may provide for the safe removal of the container or containers, install a suitable

mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to Annex Appendix D of NFPA 54 performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures.

(b) In the event an account is reactivated, the supplier shall perform an appropriate pressure leak safety check. Each supplier shall maintain records of such inactive accounts suitable for inspection by the Department.

(2) All consumers, end users or owners of LP gas containers shall:

(a) Within 60 days initiate the safety procedures outlined in subparagraph (1)(a) above, for any stationary LP gas tank with a 100 gallon or more container capacity which has not been in use for a period of 12 months.

(b) Alternatively, have a prescribed pressure leak safety check performed annually by licensed, qualified personnel.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 7-23-86, Amended 2-6-90, Formerly 5F-11.044, Amended 4-30-96, 9-2-02,

5F-11.044 Out-of-Gas, Leak Call, and Interrupted Service Procedure.

(1) Prior to filling an LP gas container in an out-of-gas situation, a licensed supplier of LP gas shall:

(a) Close all container valves.

(b) If practical, physically check all appliances and appliance outlets to be certain they are closed and check for evidence of appliance changes and open or uncapped lines.

(c) If the customer is not present or appliances are inaccessible, close container(s) valves and provide adequate written notice to the customer of the work done. Written notice as provided in NPGA #102-91, which is hereby incorporated by reference, shall be deemed adequate.

(d) Fill container(s) or replace safely with filled container(s).

(e) If access is possible, put all appliances back in service, making certain all pilots are properly lighted.

(f) An LP gas serviceman may, subsequent to the filling of an LP gas container in an out-of-gas situation, perform the safety procedures required in subsections (b), (c) and (e) above.

(2) If reason exists to suspect LP gas leakage, an LP gas license holder or its employee shall:

(a) Check for leakage by performing an appropriate leak test pursuant to Annex Appendix D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) Make necessary repairs or leave system in a safe condition.

(c) After repairs are made, place the system back into service, pursuant to Chapter 7 Section 4.2, NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(3) In instances involving the interruption of gas supply to a system, the following procedures shall be followed:

(a) The LP gas license holder or its employee shall check for leakage of the affected areas of the system in accordance with Chapter 7 4 of NFPA 54 as adopted in Rule 5F-11.002, F.A.C.

(b) A leak test of the system as prescribed in Annex Appendix D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., must be performed prior to placing the system back into service.

(c) A leak test as prescribed in Annex Appendix D of NFPA 54 as adopted in Rule 5F-11.002, F.A.C., shall not be required where the LP gas license holder or its employee has caused the interruption of the gas supply to the system for the purpose of minor repairs to the system, and where the license holder or its employee remains on the system site and monitors the system during the service. However, the repairs shall be leak tested by means of an approved combustible gas detector or a leak detector solution.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 7-23-86. Amended 6-8-88, 2-6-90, 12-31-91, Formerly 4B-1.030, Amended

5F-11.045 Dispensing Units.

(1) In addition to the requirements of NFPA 58 as incorporated by reference in Rule 5F-11.003, F.A.C., all LP gas vehicle fuel dispensers and dispensing stations shall:

(a) Prominently post "No Smoking" signs on the visible or approachable sides and ends of the container.

(b) Prominently post "Flammable Gas" or "Propane" on the visible or approachable sides of the container.

(c) Prominently post proper filling instructions at the transfer location.

(2) Newly installed or relocated vehicle fuel dispensers or dispensing stations, if subject to vehicular traffic, shall be protected by adequate barriers as follows:

(a) The minimum distance for barricade posts from the sides and non-dispensing end of the unit shall be three (3) feet.

(b) Minimum distance for barricade posts around the dispensing end of the tank (scale area) shall be ten (10) feet if the unit is exposed to vehicular traffic parking or traffic patterns.

(c) The minimum standard for barricade posts shall be as follows:

1. Posts must extend three (3) feet below ground and three (3) feet aboveground;

2. Posts must be located three (3) feet apart; and

3. Posts must be constructed of three (3) inch steel pipe or its equivalent.

(d) Natural barriers (such as trees) shall be accepted in lieu of crash posts if the natural barriers provide equivalent protection.

(3) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of six (6) months shall be made safe by evacuation of any remaining LP gas from the tank, reducing the tank pressure to vapor pressure and plugging all container openings.

(4) Vehicle fuel dispensers or dispensing stations which have been inactive (out of service) for a period of twelve (12) months shall be removed from the premises.

(5) The requirements for an actuated liquid withdrawal valve pursuant to Section 5.7.7 2-2-3 of NFPA 58 as incorporated by reference in Rule 5F-11.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with an approved valve pursuant to the requirements of NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97, 9-2-02, _____.

5F-11.046 Introducing Gas into Containers for Transportation; Dealer to Insure Compliance.

No dealer in liquefied petroleum gas shall introduce liquefied petroleum gas into any container if such is to be transported in any vehicle unless the provisions of NFPA No. 58, ~~Chapter 6 and Chapter 2~~ are complied with. It shall be the responsibility to the dealer to insure that the transportation of any such container brought to his premises and while upon or about his premises complies with the above stated regulations subsequent to filling.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 8-7-80, Formerly 4A-1.15, Amended 7-18-85, Formerly 4B-1.11, Amended 10-8-86, 2-6-90, Formerly 4B-1.011, Amended _____.

5F-11.050 Installation of Unvented Room Heaters.

The following exceptions to the requirements of Section 9.23 6-24 of NFPA 54, ~~1992 edition~~, are adopted with regard to the installation of unvented room heaters:

(1) One listed, wall-mounted, unvented room heater, equipped with an oxygen depletion safety shutoff system may be installed in a bathroom, provided that the input rating shall not exceed 6000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

(2) One listed, wall-mounted, unvented room heater equipped with an oxygen depletion safety shutoff system may be installed in a bedroom, provided that the input rating shall not exceed 10,000 BTU per hour and combustion and ventilation air are provided as specified by Section 8.3 6-1(b) of NFPA 54.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 1-24-95, Amended _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Specialization Requirements for Certification in Educational Media Specialist

RULE NO.: 6A-4.0251

(Grades PK-12) – Specialty Class

PURPOSE AND EFFECT: The purpose of the rule development workshops is to receive information from interested and affected parties relating to proposed changes in the certification requirements for educational media specialists. The effect will be a rule that incorporates the positions and viewpoints of various constituent groups.

SUBJECT AREA TO BE ADDRESSED: Certification requirements for educational media specialists.

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56 FS.

LAW IMPLEMENTED: 1001.02, 1012.54, 1012.55, 1012.56 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 3:00 p.m., July 12, 2005

PLACE: Florida Department of Education, 325 West Gaines Street, Room 503, Tallahassee, Florida 32333

TIME AND DATE: 10:00 a.m. – 12:00 Noon, July 13, 2005

PLACE: Rock Island Professional Development Center, 2301 Northwest 26th Street, Building 7, Ft. Lauderdale, Florida 33311

TIME AND DATE: 10:00 a.m. – 12:00 Noon, July 14, 2005

PLACE: School Board of Osceola County, 817 Bill Beck Boulevard, Kissimmee, Florida 34744

TIME AND DATE: 4:00 p.m. – 6:00 p.m., July 14, 2005

PLACE: Jan Kaminis Platt Regional Library, 3910 Manhattan Avenue, Tampa, Florida 33611

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

If accommodation is needed for a disability in order to participate in one of these meetings, please notify the Bureau of Educator Certification, Department of Education, (850)245-0431, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela Stewart, Deputy Chancellor K-12 Educator Quality, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400, (850)245-0420

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.”

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Contract
RULE NO.: 19-8.010

PURPOSE AND EFFECT: The 2005 Legislature passed CS/SB 1486 and it became law on June 1, 2005. Due to this legislation, an emergency rule was necessary. On June 1, 2005, Emergency Rule 19ER05-1 was filed and became effective. Pursuant to Section 120.54(4), F.S., this emergency rule is effective for only 90 days. Thus, the Florida Hurricane Catastrophe Fund (FHCF) is now entering into the rulemaking process to make the changes made by the emergency rule permanent.

SUBJECT AREA TO BE ADDRESSED: Retentions of Participating Insurers.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 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, INCLUDING ANY HEARING REQUESTS IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1340

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE FHCF WEBSITE (www.sbafla.com/fhcf) OR OBTAINED AT NO CHARGE BY CONTACTING: Tracy Allen, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1341

REGIONAL PLANNING COUNCILS

Tampa Bay Regional Planning Council

RULE TITLE: Future of the Region: A Strategic
Regional Policy Plan
RULE NO.: 29H-9.003

PURPOSE AND EFFECT: Adoption of EAR-based SRPP amendments.

SUBJECT AREA TO BE ADDRESSED: Strategic Regional Policy Plan.

SPECIFIC AUTHORITY: 186.507(2), 186.511 FS.

LAW IMPLEMENTED: 186.508, 186.511 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., July 7, 2005

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, FL 33782

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: H. Gerald Smelt, AICP, (727)570-5151, Ext. 28, e-mail: gerry@tbrpc.org, website: www.tbrpc.org

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Discharge Gratuity
RULE NO.: 33-601.502

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that inmates being released to mental health facilities will not receive discharge gratuities.

SUBJECT AREA TO BE ADDRESSED: Inmate discharge gratuities.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.502 Discharge Gratuity.

(1) The secretary shall authorize the payment of a discharge gratuity to inmates discharged from the custody of the Department of Corrections in such amounts as the Legislature may from time to time provide. A discharge gratuity shall be provided to any inmate released on parole, expiration of sentence, pardon or permanent court order, except those inmates released in any of the following situations:

(a) through (b) No change.

(c) Any inmate to be released to the Department of Children and Family Services or a state or county mental health facility under an order for involuntary commitment.

(2) through (4) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-8-76, Formerly 33-7.06, Amended 1-4-87, 1-1-89, 1-18-89, 12-20-91, 4-14-92, 4-28-99, Formerly 33-7.006, Amended 8-28-01, 2-10-04, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Searches of Inmates
 RULE NO.: 33-602.204

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to ensure that searches of female inmates are conducted by female staff except in emergency situations.

SUBJECT AREA TO BE ADDRESSED: Searches of inmates.

SPECIFIC AUTHORITY: 944.09, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.47, 944.472, 944.473 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:

33-602.204 Searches of Inmates.

Searches of inmates will be conducted to control the introduction and movement of contraband as well as to prevent escapes. These searches are to be made with discretion.

(1) Searches while clothed.

(a) Searches of clothed male inmates may ~~shall~~ be conducted ~~only~~ by appropriate staff who are ~~may be~~ of the opposite sex from the inmates. Clothed searches of female inmates by male staff will only be conducted during an emergency situation as determined by the shift supervisor. The only exception to this provision is an instance when time and circumstances do not permit the arrival of female staff or consultation with the shift supervisor prior to conducting the search due to an imminent threat of physical violence and a search is needed to secure the inmate to prevent injury to staff or inmates.

(b) through (3) No change.

Specific Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.47, 944.472, 944.473 FS. History—New 4-8-81, Amended 7-3-85, Formerly 33-3.065, Amended 11-2-86, 6-2-94, 1-25-96, 3-24-97, 9-9-97, 12-15-98, Formerly 33-3.0065, Amended 2-8-00,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facilities and Agency Licensing

RULE CHAPTER TITLE: Nurse Registries Standards
 RULE CHAPTER NO.: 59A-18
 and Licensing

PURPOSE AND EFFECT: The Agency proposes to revise the rules in Chapter 59A-18, Florida Administrative Code, consistent with the provisions of Chapter 400, Part IV, Florida Statutes, as amended by the 2005 Legislature. The Agency proposes to update minimum standards for nurse registries

including revising requirements for physician orders, establishing the license fee for the increased licensure period, eliminating the required monthly visit by a registered nurse to patients being served by certified nursing assistants and home health aides, and revising nurse registry licensing application forms. In addition, the Agency proposes to establish minimum criteria for the comprehensive emergency management plan and plan updates as required in Section 400.506(15) and (16), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revision proposes to update the nurse registry rules to conform to statutory changes and establish criteria for emergency management plans and plan updates.

SPECIFIC AUTHORITY: 400.497, 400.506 FS.

LAW IMPLEMENTED: 400.506 FS.

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

TIME AND DATE: 10:00 a.m. – 3:00 p.m., July 6, 2005

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jan Benesh, Agency for Health Care Administration, Home Care Unit, Bureau of Health Facility Regulation, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, (850)414-6010, e-mail: beneshj@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid Certified School Match Program
 RULE NO.: 59G-4.035

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, January 2005. The effect will be to incorporate by reference in the rule the current Florida Medicaid Certified School Match Program Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Medicaid Certified School Match Program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126, 1011.70 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS 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: 1:30 p.m., Tuesday, July 12, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Deb Vine, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7307

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.035 Medicaid Certified School Match Program.

(1) This rule applies to all school districts enrolled in the Medicaid certified school match program, as described in Section 409.9071, F.S.

(2) All school district providers enrolled in Medicaid under the certified school match program must be in compliance with the Florida Medicaid Certified School Match Program Coverage and Limitations Handbook, January 2005 ~~October 2003~~, 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 409.905, 409.906, 409.9071, 409.908, 409.9122, 409.9126, 1011.70 FS. History—New 4-9-98, Amended 11-23-99, 5-27-01, 10-31-02, 10-28-03,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: RULE NO.:

Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents 61G15-23.003

PURPOSE AND EFFECT: Purpose and effect are to establish rules concerning a license holder’s computer generated representation of his or her seal on electronically conveyed work.

SUBJECT AREA TO BE ADDRESSED: Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

SPECIFIC AUTHORITY: 282.75 FS.

LAW IMPLEMENTED: 471.025 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-23.003 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Engineering work which must be sealed under the provisions of Chapter 471, F.S., information stored or transmitted in an electronic format, files representing plans, specifications, plats, reports, or other documents which must be sealed under the provisions of Chapter 471, F.S., shall be signed, dated and sealed by the professional engineer in responsible charge.

(2) A license holder may use a computer generated representation of his or her seal on electronically conveyed work; however, the final hard copy documents of such engineering work must contain an original signature of the license holder and date or the documents must be accompanied by an electronic signature as described in this section. A scanned image of an original signature shall not be used in lieu of an original signature or electronic signature. Engineering work that contains a computer generated seal shall be accompanied by the following text or similar wording: “The seal appearing on this document was authorized by [Example: Leslie H. Doe, P.E. 0112 on (date)]” unless accompanied by an electronic signature as described in this section.

(3) An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effect as an original signature. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows:

- (a) Unique to the person using it;
- (b) Capable of verification;
- (c) Under the sole control of the person using it;
- (d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.

(4)(2) Alternatively, eEElectronic files may be signed and sealed by creating a “signature” file that contains the engineer’s name and PE number, a brief overall description of the engineering documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board’s Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <ftp://ftp.isi.edu/in-notes/rfc1738.txt>. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 “Secure Hash Standard,” 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: <http://www.itl.nist.gov/div897/>

pubs/fip180-1.htm. A report shall be created that contains the engineer's name and PE number, a brief overall description of the engineering documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the professional engineer in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Specific Authority 282.75 FS. Law Implemented 471.025 FS. History--New 8-18-98, Amended _____.

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 Chiropractic Medicine

RULE TITLE: RULE NO.:

Guidelines for the Disposition of 64B2-16.003
Disciplinary Cases

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

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases.

SPECIFIC AUTHORITY: 456.039(3), 456.072, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.039(3), 456.072, 456.079, 460.413(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 IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.003 Guidelines for the Disposition of Disciplinary Cases.

(1) When the Board finds that an applicant or licensee whom it regulates pursuant to Chapter 460, F.S., has violated the below-listed provisions, it shall issue a final order imposing appropriate penalties, for each count, as set forth in Section

456.072(2), F.S., within the ranges recommended in the following disciplinary guidelines. The identification of offenses are descriptive only; the full language of each statutory provision cited must be considered in order to determine the conduct included. For all persons subject to this rule, conditions of probation may be required following any period of suspension of license and probation will require compliance with conditions as set forth in subsection (3). For applicants, all offenses listed herein are sufficient for refusal to certify an application for licensure. If the Board makes a finding of pecuniary benefit or self-gain related to the violation, then the Board shall require refund of fees billed and collected from the patient or a third party on behalf of the patient. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In addition to or in lieu of any guideline penalties provided herein, if the violation is for fraud or making a false or fraudulent representation, the Board shall impose a fine of \$10,000 per count or offense.

(a) through (k) No change.

(l) Section 460.413(1)(d), F.S.: false/misleading advertising – ~~(citation-offense)~~ from a minimum fine of \$1,000, and a letter of concern, up to a maximum fine of \$7,500 and one year of probation. For a second offense, from a minimum fine of \$2,500 and/or one year of probation to a maximum fine of \$10,000 and/or three months suspension of license. After the second offense, a fine of up to \$10,000 and/or one year suspension to the maximum fine of \$10,000 and/or revocation;

(m) Section 460.413(1)(e), F.S.: non-identifying advertisement – ~~(citation-offense)~~ from a minimum fine of \$500, up to a maximum of one year of probation. After the first offense, from a minimum fine of \$2,000 and one year of probation to a maximum fine of \$5,000 and/or three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or one year of suspension up to revocation;

(n) No change.

(o) Section 460.413(1)(g) or 456.072(1)(i), F.S.: failure to report another – ~~(citation-offense)~~ from a minimum letter of concern and/or a fine of \$500, up to a maximum fine of \$2,000 and/or six months of probation. After the first offense, a minimum of six months of probation and a fine of \$2,000 to a maximum fine of \$10,000 and/or revocation;

(p) through (zz) No change.

(2) through (3) No change.

Specific Authority 456.039(3), 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.039(3), 456.072, 456.079, 460.413(4) FS. History--New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, 5-23-04, 4-13-05, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Advertising and Soliciting by Dentists	64B5-4.002
Advertising Speciality Services	64B5-4.004

PURPOSE AND EFFECT: The Board proposes to review the rules to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Advertising by dentists.

SPECIFIC AUTHORITY: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d), 466.0282 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE:	RULE NO.:
Standard of Care for Office Surgery	64B8-9.009

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the data required for office surgical logs.

SUBJECT AREA TO BE ADDRESSED: Required data for office surgical logs.

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w), 458.351 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., August 4, 2005

PLACE: Adams Mark Hotel, 225 Coastline Drive, East, Jacksonville, Florida 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., 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 NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE TITLE:	RULE NO.:
Non-Construction Limited Liability Company Members	69L-6.023

PURPOSE AND EFFECT: To allow a member of a non-construction limited liability company to elect to be included in the definition of employee by considering such a member to be a partner for purposes of Section 440.02(15)(c), Florida Statutes. The effect is to exclude members of non-construction limited liability companies from the definition of employee unless the members elect to be included in the definition.

SUBJECT AREA TO BE ADDRESSED: Members of non-construction limited liability companies and their election to be included in the definition of employee pursuant to Section 440.02(15)(c), Florida Statutes.

SPECIFIC AUTHORITY: 440.591 FS.

LAW IMPLEMENTED: 440.02(9), 440.02(15)(c) FS.

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

TIME AND DATE: 9:30 a.m., July 8, 2005

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.023 Non-Construction Limited Liability Company Members.

(1) A member of a limited liability company created and approved under Chapter 608, Florida Statutes, that is not engaged in the construction industry is not an "employee" of the limited liability company, for purposes of Chapter 440, Florida Statutes.

(2) The liability for compensation imposed by Section 440.10, Florida Statutes does not apply as to a member of a limited liability company created and approved under Chapter 608, Florida Statutes, that is not engaged in the construction industry, unless the employer elects a waiver pursuant to Section 440.04, Florida Statutes.

Specific Authority 440.591 FS. Law Implemented 440.02(9), 440.02(15) FS. History—New _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Reports by Insurers of Professional Liability
 CLAIMS AND ACTIONS REQUIRED 690-171.003

PURPOSE AND EFFECT: Section 627.912, F.S., requires certain insuring entities to report liability claims. Rule 690-171.003, F.A.C., now sets up the process by which these claims are reported to the Office.

SUBJECT AREA TO BE ADDRESSED: Professional liability claims.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.912, 627.918 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., July 7, 2005

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

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

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

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE TITLE: Mortgage Broker License Renewal
 AND REACTIVATION 69V-40.043

PURPOSE AND EFFECT: The rule is being amended to update reference to a newly revised Mortgage Broker Renewal Form, revision date of 07/2005. The revised Mortgage Broker Renewal Form is being revised to eliminate the need for brokers to affirmatively mark that they have completed the continuing education requirements. Instead, the new form instructs that a broker's payment of the applicable fee along

with the act of returning the renewal form to the Office of Financial Regulation certifies that the broker has met the required continuing education requirement. This change is procedural only. There is no change to the information required to be submitted or to the applicable fee.

SUBJECT AREA TO BE ADDRESSED: Revision to the Mortgage Broker Renewal Form.

SPECIFIC AUTHORITY: 494.0011(2), 494.0034(2) FS.

LAW IMPLEMENTED: 494.00295, 494.0034 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., July 11, 2005

PLACE: Office of Financial Regulation, The Fletcher Building, 101 E. Gaines Street, Room 547, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Epting, Bureau Chief, Bureau of Regulatory Review, 200 East Gaines Street, Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-40.043 Mortgage Broker License Renewal and Reactivation.

(1) Each active mortgage broker license shall be renewed for the biennial period beginning September 1 of each odd-numbered year upon submission of the statutory renewal fee required by Section 494.0034, F.S., certification of compliance with the continuing education requirements of Section 494.00295, F.S., and a completed renewal form. Form OFR-MB-103, Mortgage Broker License Renewal and Reactivation Form, revised 07/2005 ~~10/04~~, is hereby incorporated by reference and available by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.

(2) through (5) No change.

Specific Authority 494.0011(2), 494.0034(2) FS. Law Implemented 494.00295, 494.0034 FS. History—New 11-2-86, Amended 6-23-91, 11-12-91, 9-3-95, 12-12-99, 2-5-01, 12-9-01, Formerly 3D-40.043, Amended _____.

Specific Authority 585.002(3), 585.15 FS. Law Implemented 585.15 FS. History—New 10-15-84, Formerly 5C-20.02, Amended 6-1-92, 5-15-95,

5C-20.004 Requirement to Report Suspicious Disease Incidents.

Any person who has knowledge of, or suspects, the existence of any other serious animal disease or pest in the state which may be a foreign or a newly-emerging disease that might result in serious animal loss, economic damage, or is suspected of causing human disease, should immediately report suspicions or findings to the State Veterinarian (office hours: (850)410-0900; fax: (850)410-0915; after hours: 1(800)342-5869; email: rad@doacs.state.fl.us).

Specific Authority 585.002(3), 585.15 FS. Law Implemented 585.15 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Thomas J. Holt, State Veterinarian, Director, Department of Agriculture and Consumer Services, Division of Animal Industry, Rm. 330, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0915

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Thomas J. Holt, State Veterinarian, Director, Department of Agriculture and Consumer Services, Division of Animal Industry, Rm. 330, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)410-0900, Fax (850)410-0915

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2005

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code

RULE CHAPTER NO.:

RULE TITLE: Shellfish Harvesting Area Standards

5L-1

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.

SUMMARY: The current management of the Indian Lagoon Conditionally Approved shellfish harvesting areas is seasonal and is based on local rainfall and/or river discharge. The proposed amendment would not affect the management plan of the Indian Lagoon Conditionally Approved shellfish harvesting areas. The proposed amendment would change only the name of the summer harvesting area to Indian Lagoon

Conditionally Approved Summer. The current management of the Apalachicola Bay System shellfish harvesting areas is seasonal and is based on local rainfall and/or river discharge. The current season for the Apalachicola Bay System approved Winter, Apalachicola Bay System conditionally approved West 1 Zone Winter, Apalachicola Bay System conditionally approved West 2 Zone Winter, Apalachicola Bay System conditionally approved West 3 Zone Winter, Apalachicola Bay System conditionally approved East Zone Winter, Apalachicola Bay System conditionally restricted Winter, and Apalachicola Bay System prohibited Winter is from October 1 – June 30. The proposed amendment would change the season to September 1 – May 31. The current management of the Apalachicola Bay System Conditionally Approved West 3 Zone Winter is based on local rainfall and river discharge. The proposed amendment would create a management based on local rainfall only. The current season for the Apalachicola Bay System approved Summer, Apalachicola Bay System approved East Hole Summer, Apalachicola Bay System conditionally approved North Summer, Apalachicola Bay System conditionally approved South Summer, Apalachicola Bay System conditionally restricted Summer, Apalachicola Bay System prohibited Summer, and Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 is from July 1 – September 30. The proposed amendment would change the season to June 1 – August 31.

These amendments place descriptions, references to shellfish harvesting area map numbers and operating criteria for the Apalachicola Bay shellfish harvesting area (#16) and Indian Lagoon shellfish harvesting area (#15) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated in subsection 5L-1.003(1), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no anticipated regulatory cost.

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. Proposed effective date is September 1, 2005.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

TIME AND DATE: 10:00 a.m., Monday, July 11, 2005

PLACE: 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify Chris Brooks, Division of Aquaculture, (850)488-4033, at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

THE FULL TEXT OF THE PROPOSED RULE IS:

5L-1.003 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Chapters II and IV of the National Shellfish Sanitation Program Model Ordinance. Copies of the document Shellfish Harvesting Area Classification Maps, revised ~~September 28, 2004~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised ~~September 28, 2004~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301.

(2) through (10) No change.

Specific Authority 597.020 FS. Law Implemented 597.020 FS. History—New 1-4-87, Amended 8-10-88, 7-9-89, 12-23-91, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-13-98, 12-28-98, 3-18-99, 7-1-99, Formerly 62R-7.004, Amended 6-19-00, 8-9-00, 10-14-01(1), 10-14-01(1), 8-17-04, 9-28-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Chris Brooks

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 8, 2005

AREA

NUMBER HARVEST AREA NAME

- 0212 Pensacola Bay Conditionally Approved Escambia Bay Shellfish Aquaculture Lease Areas managed during the Summer months of Jul-Sep
- 0222 Pensacola Bay Conditionally Approved Escambia Bay
- 0232 Pensacola Bay Conditionally Approved East Bay
- 0216 Pensacola Bay Conditionally Restricted Escambia Bay
- 0226 Pensacola Bay Conditionally Restricted East Bay
- 0622 Choctawhatchee Bay Conditionally Approved Central

- 0632 Choctawhatchee Bay Conditionally Approved Eastern
- 0806 West Bay Conditionally Restricted Spring/Fall Apr-Jun, Oct-Nov
- 0812 West Bay Conditionally Approved Winter Dec-Mar
- 0822 West Bay Conditionally Approved Spring/Fall Apr-Jun, Oct-Nov
- 1012 North Bay Conditionally Approved Western
- 1022 North Bay Conditionally Approved Eastern
- 1006 North Bay Conditionally Restricted Eastern
- 1206 East Bay Conditionally Restricted
- 1212 East Bay Conditionally Approved Section 1
- 1222 East Bay Conditionally Approved Section 2
- 1401 St. Joe Bay Approved
- 1506 Indian Lagoon Conditionally Restricted
- 1512 Indian Lagoon Conditionally Approved Spring/Fall Mar-Jun, Oct
- 1542 Indian Lagoon Conditionally Approved Zone A Winter Nov-Feb
- 1552 Indian Lagoon Conditionally Approved Zone B Winter Nov-Feb
- 1572 Indian Lagoon Conditionally Approved ~~Summer Shellfish Aquaculture Lease Areas 547 and 901 managed during the months of Jul-Sep~~
- 1611 Apalachicola Bay Approved Winter Jan-~~May Jun, Sept Oct-Dec~~
- 1621 Apalachicola Bay Approved Summer ~~Jun~~ June-~~Aug Sep~~
- 1631 Apalachicola Bay Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 Summer ~~June Jul-Aug Sep~~
- 1612 Apalachicola Bay Conditionally Approved West 1 Winter Jan-~~May Jun, Sept Oct-Dec~~
- 1622 Apalachicola Bay Conditionally Approved West 2 Winter Jan- ~~May Jun, Sept Oct-Dec~~
- 1632 Apalachicola Bay Conditionally Approved West 3 Winter Jan-~~May Jun, Sept Oct-Dec~~
- 1642 Apalachicola Bay Conditionally Approved East Winter Jan-~~May Jun, Sept Oct-Dec~~ or Apalachicola Bay Approved East Hole Summer ~~June Jul-Aug Sep~~
- 1652 Apalachicola Bay Conditionally Approved North Summer ~~June Jul-Aug Sep~~
- 1662 Apalachicola Bay Conditionally Approved South Summer ~~June Jul-Aug Sep~~
- 1606 Apalachicola Bay Conditionally Restricted
- 1802 Alligator Harbor Conditionally Approved
- 2002 Ochlockonee Bay Conditionally Approved
- 2006 Ochlockonee Bay Conditionally Restricted
- 2206 Wakulla County Conditionally Restricted

2212	Wakulla County Conditionally Approved Zone 1 Winter	6222	Pine Island Sound Conditionally Approved Eastern Section
2222	Wakulla County Conditionally Approved Zone 2 Winter	6602	Ten Thousand Islands Conditionally Approved
2232	Wakulla County Conditionally Approved Zone 1 Spring	7001	Indian River/St. Lucie Approved
2242	Wakulla County Conditionally Approved Zone 2 Spring	7006	Indian River/St. Lucie Restricted
2501	Horseshoe Beach Approved Summer Apr-Sep	7202	North Indian River Conditionally Approved
2502	Horseshoe Beach Conditionally Approved Winter Oct-Mar	7206	North Indian River Conditionally Restricted
2506	Horseshoe Beach Conditionally Restricted Winter Oct-Mar	7412	Body F Conditionally Approved
2802	Suwannee Sound Conditionally Approved	7416	Body F Conditionally Restricted
2806	Suwannee Sound Conditionally Restricted	7506	Body E Conditionally Restricted
3012	Cedar Key Conditionally Approved Zone A	7602	Body D Conditionally Approved
3022	Cedar Key Conditionally Approved Zone B	7606	Body D Conditionally Restricted
3006	Cedar Key Conditionally Restricted	7712	Body C Conditionally Approved Zone 1 Spring/Summer/Fall Mar-Nov
3202	Waccasassa Bay Conditionally Approved	7722	Body C Conditionally Approved Zone 2 Spring/Summer/Fall Mar-Nov
3206	Waccasassa Bay Conditionally Restricted	7732	Body C Conditionally Approved Winter Dec-Feb
3402	Withlacoochee Bay Conditionally Approved	7716	Body C Conditionally Restricted Winter Dec-Feb
3406	Withlacoochee Bay Conditionally Restricted	7726	Body C Conditionally Restricted Spring/Summer/Fall Mar-Nov
3702	Citrus County Conditionally Approved	7802	Body B Conditionally Approved
3706	Citrus County Conditionally Restricted	7902	South Banana River Conditionally Approved
4202	Boca Ciega Bay Conditionally Approved	7906	South Banana River Conditionally Restricted
4802	Lower Tampa Bay Conditionally Approved	8001	Body A Approved
5402	Sarasota Bay Conditionally Approved	8005	Body A Restricted
5602	Lemon Bay Conditionally Approved	8201	South Volusia Approved
5802	Gasparilla Sound Conditionally Approved	8212	South Volusia Conditionally Approved Zone 1
6002	Myakka River Conditionally Approved	8222	South Volusia Conditionally Approved Zone 2
6006	Myakka River Conditionally Restricted	8206	South Volusia Conditionally Restricted
6212	Pine Island Sound Conditionally Approved Western Section	8802	St. Johns South Conditionally Approved
		8806	St. Johns South Conditionally Restricted
		9202	St. Johns North Conditionally Approved
		9206	St. Johns North Conditionally Restricted

INDEX OF SHELLFISH HARVESTING AREA
 CLASSIFICATION MAPS, BOUNDARIES AND MANAGEMENT PLANS
 Revised _____ September 28, 2004

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Effective date
Apalachicola Bay System	16	16A, 16B	August 17, 2004 October 14, 2001
Alligator Harbor	18	18	October 14, 2001
Boca Ciega Bay	42	42	June 18, 1997
Body A	80	80	December 28, 1997
Body B	78	78	February 7, 1996
Body C	77	77A, 77B	January 1, 1994
Body D	76	76	August 1, 1996
Body E	75	75	January 1, 1994
Body F	74	74	April 5, 2000
Cedar Key	30	30	November 5, 1992
Choctawhatchee Bay	06	06	October 14, 2001
Citrus County	37	37	May 6, 1996
Duval County	96	96	January 31, 1996
East Bay	12	12	January 1, 1995
Gasparilla Sound	58	58	January 25, 1996
Horseshoe Beach	25	25A, 25B	March 18, 1999
Indian Lagoon	15	15A, 15B, 15C	August 17, 2004 June 18, 1997
Indian River/St. Lucie Counties	70	70	June 18, 1997
Lemon Bay	56	56	July 20, 1998
Lower Tampa Bay	48	48	June 18, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	August 17, 2004
North Indian River	72	72	June 18, 1997
North St. Johns	92	92	January 1, 1995
Ochlockonee Bay	20	20	August 17, 2004
Pensacola Bay System	02	02	August 17, 2004
Pine Island Sound	62	62	December 28, 1998
Sarasota Bay	54	54	May 6, 1993
South Banana River	79	79	July 22, 1997
South St. Johns	88	88	December 16, 1997
South Volusia	82	82A, 82B	August 9, 2000
St. Joseph Bay	14	14	November 1986
Suwannee Sound	28	28	February 25, 1998
Ten Thousand Islands	66	66	June 18, 1997
Waccasassa Bay	32	32	November 5, 1992
Wakulla County	22	22A, 22B	August 17, 2004
West Bay	08	08A, 08B	December 28, 1998
Withlacoochee Bay	34	34	November 5, 1992

DEPARTMENT OF REVENUE

Sale and Use Tax

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

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

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

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

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

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

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

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

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

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

TIME AND DATE: 9:00 a.m., July 13, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing

or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.004 Sales Tax Brackets.

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

Amount of Sale	Tax	Amount of Sale	Tax
.10	.16	.51	.66
.17	.33	.67	.83
.34	.50	.84	1.09
			.04
			.05
			.06

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

Amount of Sale	Tax	Amount of Sale	Tax
.10	.14	.58	.71
.15	.28	.72	.85
.29	.42	.86	1.09
.42	.57		.07
			.06
			.07

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

Amount of Sale	Tax
.10	.40
.41	.80
.81	1.20
1.21	1.60
1.61	2.09
	.01
	.02
	.03
	.04
	.05

~~(4)(a) The Department has prepared, for public use, schedules and rate cards to provide the sales tax effective brackets for counties that do not impose a discretionary sales surtax and for counties that impose one or more discretionary sales surtax. Copies are available, without cost, by one or more of the following methods: 1) downloading the appropriate Sales Tax Bracket Cards from the Department’s Internet site at www.myflorida.com/dor/taxes; or 2) faxing a forms request to the Distribution Center at (850)922-2208; 3) calling the~~

~~Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the appropriate Sales Tax Bracket Cards from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor/taxes). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

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

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

12A-1.044 Vending Machines.

(1) No change.

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

(a) through (c) No change.

(3) through (8) No change.

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

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4746

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), were noticed for a rule development workshop in the Florida Administrative Weekly on February 25, 2005 (Vol. 31, No. 8, pp. 734-736). A rule development workshop was held on March 15, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF REVENUE

Sales and Use Tax

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

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

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

The purpose of the proposed amendments to Rule 12A-15.010, F.A.C. (The Sale of Food, Drink, and Tangible Personal Property at Concession Stands), is to provide the applicable divisor rates for counties imposing discretionary sales surtax at the rates of 1/4 percent and 1 1/4 percent for purposes of computing sales tax, plus surtax, due on sales by concessionaires at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business.

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

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

SUMMARY: The proposed amendments to Rule 12A-15.001, F.A.C. (Scope of Rules), provide current information on how to obtain a list of counties levying a discretionary sales surtax from the Department.

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

The proposed amendments to Rule 12A-15.010, F.A.C. (The Sale of Food, Drink, and Tangible Personal Property at Concession Stands), provide the applicable divisor rates for counties imposing discretionary sales surtax at the rates of 1/4 percent and 1 1/4 percent for purposes of computing sales tax, plus surtax, due on sales by concessionaires at arenas, auditoriums, carnivals, fairs, stadiums, theaters, and similar places of business.

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

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

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

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

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

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

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

TIME AND DATE: 9:00 a.m., July 13, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the

Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-15.001 Scope of Rules.

(1) No change.

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

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

12A-15.002 Surtax Sales Brackets.

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

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

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

Amount of Sale	Tax	Amount of Sale	Tax
.10	.15	1.08	1.23
.16	.30	1.24	1.38
.31	.46	1.39	1.53
.47	.61	1.54	1.69
.62	.76	1.70	1.84
.77	.92	1.85	2.09
.93	1.07		

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

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

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

Amount of Sale	Tax
.10	.35
.36	.65
.66	1.00

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

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

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

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

~~taxable at the rate of 7%. For taxable sales in the amounts of more than \$1.03, 8 cents is to be charged on each \$1 of price, plus the tax amount due on any fractional part of \$1.~~

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

~~(c) When the rate of the surtax is 3/4%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 2 1/2%. For taxable sales in the amounts of more than \$4.09, 13 cents is to be charged on each \$4 of price, plus the tax amount due on any fractional part of \$4.~~

Amount of Sale	Tax	Amount of Sale	Tax
.10	.30	2.16	2.46
.31	.61	2.47	2.76
.62	.92	2.77	3.07
.93	1.23	3.08	3.38
1.24	1.53	3.39	3.69
1.54	1.84	3.70	4.09
1.85	2.15		

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

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

Amount of Sale	Tax	Amount of Sale	Tax
.10	.14	.58	.71
.15	.28	.72	.85
.29	.42	.86	1.09
.43	.57		

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

Amount of Sale	Tax	Amount of Sale	Tax
.10	.12	.51	.62
.13	.25	.63	.75
.26	.37	.76	.87
.38	.50	.88	1.09

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

taxable at the rate of 2 1/2%. For taxable sales in the amounts of more than \$2.09, 7 cents is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.

Amount of Sale	Tax	Amount of Sale	Tax
.10	.28	.15	.42
.29	.57	.43	.71
.58	.85	.72	.107
.86	1.14		

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

~~(a) When the rate of the surtax is 1 1/2%, the following effective tax brackets are applicable to all taxable transactions occurring in a taxing county that otherwise would have been taxable at the rate of 6%. For taxable sales in the amounts of more than \$2.09, 15 cents is to be charged on each \$2 of price, plus the tax amount due on any fractional part of \$2.~~

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

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

Amount of Sale	Tax	Amount of Sale	Tax
.10	.11	1.10	1.17
.12	.23	1.18	1.29
.24	.35	1.30	1.41
.36	.47	1.42	1.52
.48	.58	1.53	1.64
.59	.70	1.65	1.76
.71	.82	1.77	1.88
.83	.94	1.89	2.09
.95	1.09		

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

Amount of Sale	Tax
.10	.25
.26	.50
.51	.75
.76	1.09

~~(6) The Department has prepared, for public use, schedules and rate cards to provide the sales tax effective brackets for counties imposing a discretionary sales surtax. Copies are available, without cost, by one or more of the following methods: 1) downloading the appropriate Sales Tax Bracket Cards from the Department's Internet site at www.myflorida.com/dor/taxes; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the appropriate Sales Tax Bracket Cards from the Department's Internet site at the address show inside the parentheses (www.myflorida.com/dor/taxes). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

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

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

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

1. Divide the total gross receipts by the divisors provided in paragraph (b) to compute taxable sales;
2. Subtract taxable sales from the total gross receipts to compute the amount of sales tax, plus surtax, due.

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

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

(2) No change.

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

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

(1) Amusement machine sales; effective tax rates.

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

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

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

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

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

(c) No change.

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

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

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

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

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

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

(3) No change.

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

12A-15.012 Alcoholic and Malt Beverages.

(1) No change.

(2) DEALERS WHO DO NOT SELL MIXED DRINKS.

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

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

2. No change.

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

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

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

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

2. No change.

(3) DEALERS WHO SELL MIXED DRINKS.

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

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

2. No change.

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

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

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

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

2. No change.

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

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles Strausser, Revenue Program Administrator II, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4746

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed amendments to Rule Chapter 12A-15, F.A.C. (Discretionary Sales Surtax), were noticed for a rule development workshop in the Florida Administrative Weekly on February 25, 2005 (Vol. 31, No. 8, pp. 736-740). A rule development workshop was held on March 15, 2005. No one appeared to provide comment regarding these proposed rule changes. No written comments have been received by the Department.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Assessment of Penalties for Violations Found During Compliance Reviews and Payment of Penalties

RULE CHAPTER NO.: 14-87

RULE TITLES: Scope

RULE NOS.: 14-87.001

Scope and Definitions

14-87.0011

Assessment of Penalties for Violations

Found During Compliance Reviews

14-87.0012

Payment of Penalties; Detaining and

Impounding Commercial Motor Vehicles

14-87.002

PURPOSE AND EFFECT: This rule chapter amendment is to expand the scope of the current rule chapter by including a new rule containing parts of Rule Chapter 14-108, F.A.C. When this rule chapter is amended, Rule Chapter 14-108, F.A.C., will be repealed.

SUMMARY: Rule Chapter 14-87, F.A.C., is being amended to include provisions of rules currently in Rule Chapter 14-108. When this rule chapter is amended, Rule Chapter 14-108, F.A.C., will be repealed by separate notice of rulemaking.

SPECIFIC AUTHORITY: 316.302, 316.535, 334.044(2) FS.

LAW IMPLEMENTED: 316.302, 316.3025, 316.3026, 316.516, 316.535, 316.545, 316.550, 316.70 FS.

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

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

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

ASSESSMENT OF PENALTIES FOR VIOLATIONS FOUND DURING COMPLIANCE REVIEWS AND PAYMENT OF COMMERCIAL VEHICLE PENALTIES AND FEES

14-87.001 Scope.

Specific Authority 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.515, 316.535, 316.545, 316.550, 316.70 FS. History—New 1-8-86, Amended 2-25-87, 7-15-91, Repealed _____.

14-87.0011 Scope and Definitions.

(1) This rule chapter applies to motor carriers of commercial motor vehicles and nonpublic sector buses, and shippers of hazardous materials; establishes procedures for the payment of penalties in accordance with Chapter 316, Florida Statutes; and establishes the amount of penalties for violations found during a compliance review under Sections 316.302, 316.70, 627.7415, and 627.742, Florida Statutes, and 49 C.F.R Part 107, Subpart G, and Parts 171, 172, 173, 177, 178, 180, 382, 390, 391, 392, 395, 396, and 397, incorporated herein by reference.

(2) The following words and phrases, when used in these rules, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(a)(1) “Citation” means a written statement issued by the Department to a motor carrier, or shipper of hazardous materials, for:

- 1.(a) A violation of weight or vehicle registration laws; or
- 2.(b) A violation of safety laws or regulations, or permit violations; or
- 3.(c) A violation of the fuel use tax requirements contained in Chapter 207, Florida Statutes.

(b)(2) “Commercial Motor Vehicle” means as defined in Section 316.003(66), Florida Statutes.

(c) “Compliance Review” means an onsite review of documents at a motor carrier’s or shipper of hazardous materials’ terminal or office, including: property carrier, passenger carrier, or shipper of hazardous materials records such as driver’s hours of service, maintenance and inspection, driver qualification, commercial driver’s license requirements,

financial responsibility, and accident and other safety and business records which will enable the investigators to establish compliance with safety laws and regulations.

(d)(3) “Department” means the Florida Department of Transportation.

(4) “Director” means the Director of the Motor Carrier Compliance Office, Florida Department of Transportation.

(5) “Fee” means a charge for a permit.

(e)(6) “Motor Carrier” means any person, corporation, or entity of any kind owning, controlling, operating, managing, contracting with the owner or operator of, or dispatching any commercial motor vehicle or nonpublic sector buses.

(f) “Nonpublic Sector Bus” means as defined in Section 316.003, Florida Statutes.

(7) “Motor Carrier Compliance Office” means that office within the Department which is responsible for enforcing Commercial Motor Vehicle regulations.

(g)(8) “Penalty” means a monetary amount prescribed by statute or Department rule as an administrative assessment for a violation of a safety commercial motor vehicle law or regulation rule pursuant to the issuance of a citation or a notice of violation.

(h) “Shipper of Hazardous Materials” means any person or entity of any kind that offers hazardous materials, as defined in Section 316.003, Florida Statutes, for transportation in commerce.

(9) “Penalty Collections Unit” means those employees of the Motor Carrier Compliance Office assigned by the Director to ensure that penalties are collected in a manner consistent with applicable rules and laws.

(10) “Permit” means:

(a) An International Registration Plan Trip Permit issued to a motor carrier authorizing temporary operation on the public roads of this State in lieu of permanent registration; or

(b) A Temporary Fuel Use Permit issued to a motor carrier authorizing temporary operation on the public roads of this State in lieu of permanent registration.

(c) A Special Permit issued by the Department which authorizes the operation of an oversize or overweight commercial motor vehicle and load over the State Highway System.

Specific Authority 316.302, 316.535, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.3026, 316.516 545, 316.535, 316.545, 316.550, 316.70 FS. History—New 7-15-91, Amended 9-12-96, 8-7-03, _____.

14-87.0012 Assessment of Penalties for Violations Found During Compliance Reviews.

(1) The following penalties shall apply to violations found during compliance reviews of motor carriers and shippers of hazardous materials. The aggregate of penalties assessed during a compliance review shall not exceed the amounts prescribed in Section 316.3025 or 316.70, Florida Statutes.

Violation	Penalty
For each violation of 49 C.F.R. Parts 391, 396, or 397:	\$100
For each violation of 49 C.F.R. Part 171, 172, 173, 177, or 180:	\$100
For each violation of 49 C.F.R. Part 107, Subpart G:	\$250
For failing to file a motor carrier identification report, as required by 49 C.F.R. 390.19:	\$500
For violation of operating authority under 49 C.F.R. 392.9a:	\$500
For any other violation of 49 C.F.R. Part 392:	\$100
For failing to maintain time records required by 49 C.F.R. 395.8 or Section 316.302(2)(d), Florida Statutes:	\$500
For any other violation of 49 C.F.R. Part 395:	\$100
For no Controlled Substances and Alcohol Use and Testing Program, as required by 49 C.F.R., Part 382:	\$1,000
For any other violation of 49 C.F.R. Part 382:	\$250
For failing to maintain any insurance required by Section 627.7415 or Section 627.742, Florida Statutes:	\$2,500
For failing to maintain minimum levels of insurance required by Section 627.7415 or Section 627.742, Florida Statutes:	\$1,000
For refusal to submit to a compliance review:	\$5,000

(2) Except for violations specified below, the penalties prescribed above will be waived if, as a result of the first compliance review conducted on a motor carrier or shipper of hazardous materials, the described violations are corrected within 20 days after the receipt of a citation:

- (a) Violations of 49 C.F.R. Part 382.
- (b) Violations of 49 C.F.R. Part 395 or Section 316.302(2)(b), (c), or (d), Florida Statutes.
- (c) Violations of hazardous materials requirements.
- (d) Utilizing any driver without a valid driver's license, such as having a revoked, suspended, canceled, or expired license, or a license with improper classification, not properly endorsed, or in violation of restrictions.

Specific Authority 316.302, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.70, 627.7415, 627.742 FS. History—New

14-87.002 ~~Payment of Penalties and Fees Due~~; Detaining and Impounding Commercial Motor Vehicles.

(1) Penalties ~~and fees~~ imposed upon ~~a the operations of commercial motor carrier or shipper of hazardous materials vehicles~~ are due and payable upon the issuance of a citation ~~or a permit~~. Law enforcement officers, ~~and~~ weight inspectors employed by the Motor Carrier Compliance Office, and other

authorized agents of the Department, upon issuance of a citation, shall allow motor carriers or shippers of hazardous materials in good standing to make payment of penalties within 20 calendar days from the issuance of the citation. Payment must be received by the Office of Motor Carrier Compliance Office Penalty Collections Unit in Tallahassee, Florida, within 20 calendar days from the date of the citation.

(2) In the event that payment of penalties for a citation is not received within the 20 calendar day period, the commercial motor vehicle(s) shall be impounded in accordance with Sections 316.545, 316.3025, 316.516, and 316.550, Florida Statutes. Motor carriers who fail to pay any and all penalties owed to the Department will be referred to the Department of Highway Safety and Motor Vehicles, where the vehicle's registrations and fuel permits shall be revoked or suspended in accordance with Section 320.18, Florida Statutes.

(3) Payment methods for citations include cash, money orders, certified funds from a financial institution approved (~~electronic or manual~~), credit cards, and company checks. ~~A receipt shall be provided to the motor carrier upon payment of penalties collected. All penalties collected in accordance with these rules will be made payable to the State Treasurer, who will credit the funds to the State Transportation Trust Fund and any other accounts specified by state law.~~

(4) ~~A m~~Motor carriers or a shipper of hazardous material that who owes penalties to the Department, state or has ~~have~~ not paid penalties in a timely fashion on one or more previous occasion, shall be deemed to be not in good standing. A ~~c~~Commercial motor vehicle(s) owned by a motor carrier or shipper of hazardous materials deemed not in good standing operated by such motor carriers will be detained or impounded immediately and held until all penalties are paid to the Department. A list of such motor carriers and shippers of hazardous materials will be provided statewide by the Penalty Collections Unit to the Office of Motor Carrier Compliance Office law enforcement officers and weight inspectors ~~by the Penalty Collections Unit~~.

(5) ~~Except for as set forth in Rule Chapter 14-108, F.A.C., involving~~ penalties assessed during compliance reviews, the fact that a motor carrier or shipper of hazardous material has requested an appeal a hearing before the Commercial Motor Vehicle Review ~~Board~~ does not relieve responsibility to make payment of the assessed penalty for a citation within the 20 day period.

(6) Commercial motor vehicles impounded in accordance with this rule will be released upon payment of all penalties owed to the Department, upon Motor Carrier Compliance Office ~~Penalty Collections Unit in Tallahassee, Florida~~, the posting of a bond pursuant to Section 316.545, Florida Statutes, upon a determination by the Commercial Motor Carrier Review Board to cancel or revoke the penalty, or upon issuance of a Department order pursuant to Section 120.57,

Florida Statutes. Commercial motor vehicles released as a result of the posting of a bond under Section 316.545, Florida Statutes, remain subject to the lien imposed by that statute.

(7) Any costs associated with the detention, impoundment, and storage of commercial motor vehicles in accordance with Sections 316.545, Florida Statutes, shall be the responsibility of the motor carrier or shipper of hazardous material, and proof of payment of such costs shall be provided to the Department prior to the vehicle being released.

Specific Authority 316.302, 316.535, 334.044(2) FS. Law Implemented 316.302, 316.3025, 316.3026, 316.516, 545, 316.535, 316.545, 316.550, 316.70 FS. History—New 1-8-86, Amended 2-25-87, 7-15-91, 9-12-96, 8-7-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Colonel Graham Fountain, Director, Office of Motor Carrier Compliance
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 18, 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 CORRECTIONS

RULE TITLE: Inmate Grievances – Miscellaneous Provisions
 RULE NO.: 33-103.015
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to allow the acting warden, in the absence of the warden, to respond to grievances filed directly with the warden.
 SUMMARY: The proposed rule authorizes the acting warden, in the absence of the warden, to respond to grievances filed directly with the warden.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.
 Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
 SPECIFIC AUTHORITY: 20.315, 944.09 FS.
 LAW IMPLEMENTED: 944.09 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (2) No change.

(3) The warden, assistant warden or deputy warden (deputy warden applicable to private facilities only) is authorized to designate other staff to receive, review, and investigate any grievance of an institutional nature. The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans with Disabilities Act, grievances challenging placement in close management and subsequent reviews, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature that are filed directly with the warden. For grievances filed directly with the warden, the decision to approve, return, or deny the grievance shall be made by the warden; the assistant warden or deputy warden shall only be authorized to sign as acting warden in the warden’s absence, and must indicate “Acting Warden” beside his or her signature.

(4) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, 10-11-00, 2-7-01, 5-27-02, 1-2-03, 2-9-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Celeste Kemp, Chief, Bureau of Inmate Grievance
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tina Hayes, Assistant Secretary of Research, Planning and Support Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 13, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 2005

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.

SUMMARY: The proposed rule incorporates by reference update January 2005 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 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: 9:30 a.m., Monday, July 11, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melissa Vergeson

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 8, 2005

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.

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

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 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: 9:30 a.m., Monday, July 11, 2005

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

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

THE FULL TEXT OF THE PROPOSED RULE 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Claudia Treadwell
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Alan Levine
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: May 25, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 8, 2005

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 proof of post graduate training in a specialty field in order to obtain a physician specialty code designation on the physician provider file. The update also revises critical care policies so that the policies are more consistent with the Physician’s Current Procedure Terminology (CPT) book description. The effect will be to incorporate by reference update January 2005-2, to the Florida Medicaid Physician Services Coverage and Limitation Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule update January 2005-2, to the Florida Medicaid Physician Services Coverage and Limitation 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: 409.905, 409.907, 409.908, 409.9081 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., Monday, July 11, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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), 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, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Eleanor Cofer

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 8, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers’ Board

RULE TITLE: Citations
 RULE NO.: 61G3-21.009

PURPOSE AND EFFECT: The Board proposes to amend this rule to add the penalty for attempting to renew a license when not in compliance with continuing education requirements.

SUMMARY: The proposed rule amendment adds the penalty of a fine of \$100.00 for attempting to renew a license when not in compliance with continuing education requirement.

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

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

SPECIFIC AUTHORITY: 455.224, 476.064(4), 476.204(2) FS.

LAW IMPLEMENTED: 455.224 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: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-21.009 Citations.

(1) through (2) No change.

(3)(a) through (l) No change.

(m) Attempting to renew a license when not in compliance with continuing education requirements, in violation of Rule 61G3-21.009, F.A.C., shall result in a fine of \$100.00.

(4) through (7) No change.

Specific Authority 455.224, 476.064(4), 476.204(2) FS. Law Implemented 455.224 FS. History--New 1-19-92, Amended 3-22-92, 2-18-93, Formerly 21C-21.009, Amended 6-16-94, 9-22-94, 8-21-95, 2-14-96, 11-6-97, 5-13-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 27, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: RULE NO.:

Board Approval of Continuing Education Providers 61G15-22.011

PURPOSE AND EFFECT: To include a prohibition of conflict of interest as an added requirement for Board approval of continuing education providers.

SUMMARY: To include a prohibition of conflict of interest as an added requirement for Board approval of continuing education providers.

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

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

SPECIFIC AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.011 Board Approval of Continuing Education Providers.

(1) No change.

(2) To demonstrate the education and/or the experience necessary to instruct professional engineers in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to promote the profession of engineering, an engineer with a Florida license to practice engineering who is not under disciplinary restrictions pursuant to any order of the Board, or an engineering firm that possesses an active certificate of authorization issued by the Board pursuant to Section 471.023, F.S. The continuing education provider shall not have any financial or commercial interest, direct or indirect, in any technology that is the subject of the instruction.

(3) through (9) No change.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History--New 9-16-01, Amended 9-4-02, 12-21-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Seals Acceptable to the Board
 RULE NO.: 61G15-23.001

PURPOSE AND EFFECT: To clarify what form of seals are acceptable and the deadline for use of the new seal format.

SUMMARY: Clarifies what form of seals are acceptable and the deadline for use of the new seal format.

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: 471.025 FS.

LAW IMPLEMENTED: 471.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-23.001 Seals Acceptable to the Board.

(1) Pursuant to Section 471.025, F.S., the Board hereby establishes as indicated below the forms of embossing impression seals which are acceptable to the Board. Said seal shall be a minimum of 1 7/8 inch in diameter. All engineers must be utilizing a the new seal as illustrated in this rule no later than prior to January 1, 2006.

(2) No change.

Specific Authority 471.025 FS. Law Implemented 471.025 FS. History—New 1-8-80, Amended 6-23-80, Formerly 21H-23.01, 21H-23.001, Amended 4-1-97, 2-5-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 26, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Required Training
 RULE NO.: 64B5-16.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to simplify the training requirements for dental hygienists and dental assistants to obtain training for the performance of certain remediable tasks, while reducing administrative costs in implementing the program.

SUMMARY: The rule modifies the sources available for providing remediable task training to dental hygienists and assistants, including expanded duties training; simplifies the training requirements and reduces the administrative costs necessary to implement the program.

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, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.002 Required Training.

(1) A dental hygienist or dental assistant may perform certain remediable tasks upon the Formal training which is required for the performance of certain remediable tasks consists of a dental hygienist’s or dental assistant’s successful completion of an expanded duty course or program which meets one of the following requirements:

~~(a) The course or program~~ is administered or was developed as a part of the regular curriculum at a school of dentistry, dental hygiene or dental assisting accredited by the

American Dental Association's Commission on Dental Accreditation, its successor agency or any other nationally recognized accrediting agency;

~~(b) The course or program has been approved by the Board for the purpose of providing expanded duties training for dental hygienists and dental assistants.~~

~~(2) For the purpose of positioning and exposing radiographs by dental assistants, formal training may consist of having received certification as a dental radiographer pursuant to Rule 64B5-9.011, F.A.C.~~

~~(3) The Board shall approve a course or program specified in paragraph 64B5-16.002(1)(b), F.A.C., in expanded duties only upon the application of the entity seeking to offer the course or program which establishes compliance with the following requirements. Failure to adhere to these requirements shall subject the course or program to revocation of Board approval.~~

~~(a) The course or program curriculum reflects appropriate didactic and clinical training in each remediable task which requires completion of Board approved formal training;~~

~~(b) Documentation of the training and experience of faculty members which establishes their qualifications to teach specified subject areas;~~

~~(c) Submission of a detailed syllabus of the course or program which specifies the educational objectives for participants, the manner of achieving these specified objectives, including subject matter, hours of instruction and choice of instructional method (clinical or didactic) and the method of assessing a participant's performance; and~~

~~(d) The course or program requires participants to pass clinical or written examinations which adequately test competency in each subject area. Participants must obtain a score of at least 75% out of a possible score of 100%. The choice of a clinical or written examination shall be based on the specified objectives for each subject area; and~~

~~(e) Each participant who successfully completes the course or program is issued a certificate which contains the following information: name of course or program sponsor; title of course; date course offered; number of hours of instruction; participant's name; signature authorized by the sponsor which attests to the certificate's validity; and a list of all remediable tasks in which the participant has received formal training.~~

~~(2)(4) On-the-job training required for the performance of certain remediable tasks consists of training in those tasks by a licensed dentist who assumes full responsibility for assuring that the dental hygienist or dental assistant so trained is competent to perform the tasks.~~

Specific Authority 466.004, 466.024 FS. Law Implemented 466.023, 466.024 FS. History—New 4-30-80, Amended 8-20-80, 1-28-81, 3-4-81, 4-20-81, Formerly 21G-16.02, Amended 6-30-86, 12-31-86, 7-5-87, 2-21-88, 7-12-88, 1-18-89, 11-16-89, Formerly 21G-16.002, 61F5-16.002, Amended 6-12-97, Formerly 59Q-16.002, Amended _____.

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: May 6, 2005

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees

RULE NO.: 64B13-6.001

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

SUMMARY: The language on the fee for obtaining a duplicate wall certificate is updated.

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

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

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (8) No change.

(9) The fee for obtaining a duplicate wall certificate/license shall be \$25.00.

(10) through (16) No change.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03, 10-30-03, 8-29-04,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2005

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 20, 2005

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: Unprofessional Conduct; Definition
RULE NO.: 64B32-5.003

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

SUMMARY: The proposed rule amendment updates the existing language in this rule.

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

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

SPECIFIC AUTHORITY: 468.353(1), 468.365(1)(f) FS.

LAW IMPLEMENTED: 468.365(1)(f) FS.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.003 Unprofessional Conduct; Definition.

Unprofessional conduct shall be defined to include, but not be limited to, A licensee is guilty of unprofessional conduct when he commits any of the following:

- (1) through (2) No change.
(3) Leaves a respiratory therapy assignment before properly advising appropriate supervisory personnel.
(4) through (6) No change.

Specific Authority 468.353(1), 468.365(1)(f) FS. Law Implemented 468.365(1)(f) FS. History--New 4-29-85, Formerly 21M-37.02, 21M-37.002, 61F6-37.002, 59R-74.002, 64B8-74.002, Amended 1-6-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Emergency Medical Services
RULE CHAPTER NO.: 64E-2

RULE TITLES: Definitions
RULE NOS.: 64E-2.001

Medical Direction 64E-2.004

Emergency Medical Technician 64E-2.008

Paramedic 64E-2.009

Voluntary Inactive Certification 64E-2.0094

Involuntary Inactive Certification 64E-2.0095

Examinations 64E-2.010

Records and Reports 64E-2.013

PURPOSE AND EFFECT: Definitions: Provides a definition for "conviction" and "certification examination" to help clarify their meaning when used in rule. Realigns definitions that are out of alphabetical order.

Medical Direction: Moves language currently listed under Rule 64E-2.008, F.A.C., Emergency Medical Technician, regarding an EMT's authority to start a non-medicated IV to Rule 64E-2.004, F.A.C., Medical Direction.

Emergency Medical Technician and Paramedic: Specifies qualifications and procedures for certification of out of state or military trained individuals. The amendment adds a requirement for applicants to possess a high school diploma or GED. The amendment updates NSC references to "National Standard Curriculum" and, when applicable, updates the reference to reflect the current curriculum. Clarification of testing application deadlines has been revised. Removes the December 2, 2002, requirement for recertifying paramedics to comply with 30 hours of refresher training conducted in accordance with the 2001 U.S. DOT EMT Paramedic Refresher NSC.

Examinations: States that the department shall notify candidates of exam results. Removes the option for requesting exam regrades. Removes the option for the candidate to challenge any questions or subject matter in the review process. The amendment clarifies the examination review process and provides minimum eligibility requirements for candidates who have failed the exam. The amendment removes the current unused reference to the minimum scores required to pass the state developed EMT exam, the NREMT paramedic (Assessment Examination), and the NREMT paramedic (Certification Examination). New forms specifically for requesting a reexamination have been incorporated. The form for initial certification has been revised to allow for two

separate forms – one for EMTs and the other for paramedics. The amendment simplifies the process to accommodate exam candidates with documented learning disabilities.

Records: The amendment allows a licensee to meet the personnel record's requirement of maintaining affirmative evidence of current certification status to include forms of documentation other than just a copy of the actual certificate. This amendment permits the use of documentation of certification status from the department's own web certificate lookup system.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 401.27, 401.30, 401.35 FS.

LAW IMPLEMENTED: 401.27, 401.30, 401.33, 401.35 FS.

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

TIME AND DATE: 1:00 p.m. (EDT), July 14, 2005

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Victoria Parsons, Program Specialist, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2768, e-mail: victoria_parsons@doh.state.fl.us, Fax (850)488-9408

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.001 Definitions.

(1) through (3) No change.

(4) Certification Examination – means an examination developed and/or adopted by the department to be used for the purpose of testing the ability to practice as a Florida licensed emergency medical technician and/or paramedic. ~~Controlled Substances~~ – means those drugs listed in Chapter 893, F.S.

(5) Chief – means the chief of the department's Bureau of EMS. ~~Department~~ – means the Florida Department of Health (DH), Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

(6) Controlled Substances – means those drugs listed in Chapter 893, F.S. ~~Chief~~ – means the chief of the department of the department's Bureau of EMS.

(7) Conviction – means a determination of guilt of a felony in any court of competent jurisdiction which is the result of trial of the entry of a plea of guilty or a plea of nolo contendere, regardless of whether adjudication is withheld. ~~Emergency Medical Services Provider~~ – means any entity licensed in the State of Florida to provide air, or ground

~~ambulance, whether basic life support (BLS) or advanced life support (ALS), and whether a non-transportation or a transportation service.~~

(8) Department – means the Florida Department of Health (DH), Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

(9) Emergency Medical Services Provider – means any entity licensed in the state of Florida to provide air, or ground ambulance, whether basic life support (BLS) or advanced life support (ALS), and whether a non-transportation or a transportation service.

(8) through (23) renumbered (10) through (25) No change.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, Formerly 10D-66.485, Amended 12-10-92, 11-30-93, 10-2-94, 1-26-97. Formerly 10D-66.0485. Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02,_____.

64E-2.004 Medical Direction.

(1) through (4)(g) No change.

(h) An EMT employed by a licensed ALS provider is authorized to start a non-medicated IV under the following conditions:

1. A non-medicated IV is initiated only in accordance with department approved protocols of the licensed ALS provider's medical director. These protocols must include a requirement that the non-medicated IV be initiated in the presence of a Florida certified paramedic (of the same licensed provider) who directs the EMT to initiate the IV.

2. If the licensed ALS provider elects to utilize EMTs in this capacity, the licensed EMS provider shall ensure that the medical director provides training at least equivalent to that required by the 1999 (Contract #DTNH22-95-C-05108, U.S. D.O.T. EMT-Intermediate National Standard Curriculum relating to IV therapy which is incorporated by reference and available from the Superintendent of Documents, Post Office Box 371954, Pittsburg, PA 15250-7954. The licensed EMS provider shall document successful completion of such training in each EMTs training file and make documentation available to the department upon request.

(h) through (k) renumbered (i) through (l) No change.

(5) No change.

Specific Authority 381.0011, 395.405, 401.265, 401.272, 401.35, 499.05 FS. Law Implemented 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.2915, 401.30, 401.34, 401.35 FS. History–New 4-26-84, Amended 3-11-85, Formerly 10D-66.485, Amended 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, 12-10-92, 11-30-93, 10-2-94, 3-19-95, 1-26-97, Formerly 10D-66.0505, Amended 8-4-98, 7-19-99, 2-20-00, 11-3-02, 6-9-95,_____.

64E-2.008 Emergency Medical Technician.

(1) Qualifications and Procedures for Certification pursuant in addition to those contained in Section 401.27, F.S. To be qualified for EMT certification, an individual must:

(a) ~~1.~~ Successfully complete an initial EMT training program that was conducted in accordance with the 1994 U.S. DOT EMT-Basic National Standard Curriculum, NSC, which is incorporated by reference and is available for purchase from the Government Printing Office by telephoning 202-512-1800, or

~~2.(b)~~ If out of state or military trained in accordance with the 1994 U.S. DOT EMT-Basic National Standard Curriculum, currently hold a valid EMT certification from the National Registry of Emergency Medical Technicians or ~~be currently certified in another U.S. state or U.S. territory which has and have the certifying authority to submit to the department DH Form 1164, April 05 January 00, Statement of Good Standing which is incorporated by reference and available from the department, and~~

~~(b)(e)~~ Apply for and pass Florida EMT certification examination on DH Form 1583, April 05, Emergency Medical Technicians Initial Certification Application April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling which is incorporated by reference and available from the department, and:

(c) Possess a high school diploma or a General Education Development (GED) diploma.

(2) Renewal Certification Recertification – To be eligible for renewal certification recertification as an EMT an individual shall submit DH Form 622, April 05, April 02, EMT/Paramedic Renewal Certification Recertification Application, which is incorporated by reference and available from the department; and within 2 years prior to the expiration date of his or her EMT certification complete one of the following:

(a) Complete 30 hours of EMT refresher training based on the ~~1996~~ 1994 U.S. DOT EMT-Basic National Standard Refresher Curriculum, NSC; an additional 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current CPR card as provided in Section 401.27(4)(e)2., F.S., and Rule 64E-2.038, F.A.C. CPR shall be included in the 30 hours of refresher training, provided that the CPR training is taken with a continuing education provider recognized by the department pursuant to Section 401.2715, F.S. The ~~1996~~ 1994 U.S. DOT EMT-Basic National Standard Refresher Curriculum NSC shall be the criteria for department approval of refresher training courses. The department shall accept either the affirmation of a licensed EMS provider's medical director; or a certificate of completion of refresher training from a department approved Florida training program or a department approved continuing education provider as proof of compliance with the above requirements. ~~Effective December 2, 2002, the 30 hours of EMT refresher training shall be conducted in accordance with T~~the 1996 U.S. DOT EMT-Basic National Standard Refresher Curriculum NSC

which is incorporated by reference and available for purchase from the Government Printing Office by telephoning (202)512-1800.

(b) Successfully pass the EMT certification examination during the current certification cycle; and complete 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current CPR BLS card for the professional rescuer. Prior to taking the examination, a candidate shall submit DH Form 1583, April 05, Emergency Medical Technicians Initial Certification Application April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling to the department so as to be received by the department in accordance with the published examination application deadlines located on the department's website, no later than 30 calendar days prior to the date of the certification examination for which the applicant desires to be scheduled; and pay the required fees.

(c) Satisfactorily complete the first semester of the paramedic training course at a department approved Florida training center pursuant to Section 401.2701, F.S. within the current immediately preceding 2-year certification cycle. Complete 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S., and also maintain a current CPR card for the professional rescuer.

(d) through (3) No change.

~~(4) An EMT employed by a licensed ALS provider is authorized to start a non-medicated IV under the following conditions:~~

~~(a) A non-medicated IV is initiated only in accordance with department approved protocols of the licensed ALS provider's medical director. These protocols must include a requirement that the non-medicated IV be initiated in the presence of a Florida certified paramedic (of the same licensed provider) who directs the EMT to initiate the IV.~~

~~(b) If the licensed ALS provider elects to utilize EMTs in this capacity, the licensed EMS provider shall ensure that the medical director provides training at least equivalent to that required by the 1999 (Contract #DTNH22-95-C-05108, U.S. D.O.T. EMT-Intermediate National Standard Curriculum relating to IV therapy which is incorporated by reference and available from the Superintendent of Documents, Post Office Box 371954, Pittsburg, PA 15250-7954. The licensed EMS provider shall document successful completion of such training in each EMT's training file and make documentation available to the department upon request.~~

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 381.0034, 401.23, 401.27, 401.34, 401.41, 401.35, 401.411, 401.414 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, _____.

64E-2.009 Paramedic.

(1) Qualifications and Procedures for Certification pursuant in addition to those contained in Section 401.27, F.S. – To be qualified for paramedic certification, an individual must:

(a) ~~1.~~ Successfully complete an initial paramedic training program that was conducted in accordance with the 1998 U.S. DOT EMT-Paramedic (EMT-P) National Standard Curriculum, (NSC), which is incorporated by reference and is available for purchase from the Government Printing Office by telephoning (202)512-1800, or

~~2.(b)~~ If out of state or military trained in accordance with the 1998 U.S. DOT EMT-Paramedic (EMT-P) NSC, currently hold a valid paramedic certification from the National Registry of Emergency Medical Technicians or be currently certified in another U.S. state or U.S. territory which has and have the certifying authority to submit to the department DH Form 1164, April 05, January 00, Statement of Good Standing, which is incorporated by reference in Rule 64E-2.008, F.A.C.; and

~~(b)(e)~~ Apply for and pass Florida paramedic certification examination in accordance with the published examination application deadlines located on the department’s website on DH Form 1977, April 05, Paramedics Initial Certification Application 1583, April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling which is incorporated by reference in Rule 64E-2.008, F.A.C.; and

(d) Possess a high school diploma or a General Education Development (GED) diploma.

(2) Renewal Certification Recertification – To be eligible for renewal certification ~~recertification~~ as a paramedic an individual shall submit DH Form 622, April 05, April 02, EMT/Paramedic Renewal Certification Recertification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C., and within 2 years prior to the expiration date of his or her paramedic certification complete one of the following:

(a) Complete 30 hours of paramedic refresher training based on the 1998 U.S. D.O.T. EMT-Paramedic NSC, an additional 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S., and also maintain a current Advanced Cardiac Life Support (ACLS) card as provided in Section 401.27(4)(e)2, F.S., and Rule 64E-2.038, F.A.C. ACLS shall be included in the 30 hours of refresher training, provided that the ACLS training includes the ~~is taken with a~~ continuing education criteria ~~provider~~ recognized by the department pursuant to Section 401.2715, F.S. The department shall accept either the affirmation of a licensed EMS provider’s medical director; or a certificate of completion of refresher training from a department approved Florida training program, or a department approved continuing education provider as proof of compliance with the above requirements. ~~Effective~~

~~December 2, 2002, the 30 hours of paramedic refresher training shall be conducted in accordance with the 2001 U.S. DOT EMT-Paramedic Refresher NSC which is incorporated by reference and available for purchase from the Government Printing Office by telephoning 202-512-1800.~~

(b) Successfully pass the paramedic certification examination during the current certification cycle; complete 2 hours of HIV AIDS refresher training in accordance with Section 381.0034, F.S.; and also maintain a current ACLS card. Prior to taking the examination, a candidate shall submit DH Form 1977, April 05, Paramedics Initial Certification Application 1583, April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling to the department so as to be received by the department in accordance with the published examination application deadlines located on the department’s website, ~~no later than 30 calendar days prior to the date of the certification examination for which the applicant desires to be scheduled,~~ and pay the required fees.

(3) through (4) No change.

Specific Authority 381.0011, 381.0034, 381.0035, 401.27, 401.35 FS. Law Implemented 381.001, 381.0034, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.57, Amended 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.057, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, _____.

64E-2.0094 Voluntary Inactive Certification.

An EMT or paramedic who is currently certified can place their certificate on inactive status by sending a written request to the department and paying a fee of \$50. Any EMT or paramedic whose certificate has been placed on inactive status shall not function as an EMT or paramedic until such time as he or she has completed the following requirements for reactivating the certificate:

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

(2) An EMT whose certificate has been on inactive status for more than 1 year can activate his or her certificate by completing the following:

(a) 30 hours of EMT refresher training which shall be based on the ~~1996 1994~~ U.S. DOT EMT-Basic National Standard Refresher Curriculum NSC and 2 hours of human immunodeficiency virus and acquired immune deficiency syndrome (HIV AIDS) training. ~~Effective December 2, 2002, the 30 hours of EMT refresher training shall be conducted in accordance with~~ the 1996 U.S. DOT EMT-Basic National Standard Refresher Curriculum NSC which is incorporated by reference in Rule 64E-2.008, F.A.C. The training:

1. through (d) No change.

(e) After completion of the above requirements, submit to the department:

1. DH Form 622, April 05, April 02, EMT/Paramedic Renewal Certification Recertification Application which is incorporated in subsection 64E-2.008(2), F.A.C.

2. DH Form 1583, April 05, Emergency Medical Technicians Initial Certification Application, April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling, which is incorporated by reference in Rule 64E-2.008, F.A.C.

3. ~~Late renewal fee of \$100 and the examination fee required by Section 401.34, F.S.~~

(3) A paramedic whose certificate has been on inactive status for more than 1 year can activate his or her certificate by completing the following:

(a) 30 hours of paramedic refresher training which shall be based on the 1998 U.S. DOT EMT-Paramedic NSC, which is incorporated by reference in Rule 64E-2.009, F.A.C., and 2 hours of human immunodeficiency virus and acquired immune deficiency syndrome (HIV AIDS) training. ~~Effective December 2, 2002, the 30 hours of EMT Paramedic refresher training shall be conducted in accordance with the 2001 U.S. DOT EMT Paramedic refresher NSC which is incorporated by reference in Rule 64E-2.009, F.A.C.~~ The training:

1. through (d) No change.

(e) After completion of the above requirements, submit to the department:

1. DH Form 622, April 05, April 02, EMT/Paramedic Renewal Certification Recertification Application which is incorporated by reference in subsection 64E-2.008(2), F.A.C.

2. DH Form 1977, April 05, Paramedic Initial Certification Application 1583, April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling which is incorporated by reference in Rule 64E-2.008, F.A.C.

3. ~~Late renewal fee of \$100 and the examination fee as required by Section 401.34, F.S.~~

Specific Authority 401.27, 401.35 FS. Law Implemented 381.0034, 401.27, 401.34, 401.35 FS. History—New 8-4-98, Amended 1-3-99, 9-3-00, 4-21-02, 6-3-02, 11-3-02, _____.

64E-2.0095 Involuntary Inactive Certification.

(1) No change.

(2) Such certificates may be reactivated if the applicant submits the renewal certification recertification fee required by Section 401.34, F.S., and a late renewal fee of \$25 and the following items to the department:

(a) DH Form 622, April 05, Jan. 00, EMT/Paramedic Renewal Certification Recertification Application, which is incorporated by reference in subsection 64E-2.008(2), F.A.C.

(b) through (3) No change.

Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. History—New 8-4-98, Amended 1-3-99, 9-3-00, 4-15-01, _____.

64E-2.010 Examinations.

(1) Grade Notification – The department shall notify each candidate of the examination results. If a candidate fails the ~~state~~ certification examination developed or required by the

department, he or she ~~shall will~~ be notified by the department of the requirements for regrade, examination review, and appeal rights and procedures.

~~(2) Examination Regrades— If the candidate desires a regrading of his or her state examination, he or she must submit a written request to the department for a rescore within 30 days of the date indicated on the failure notice.~~

~~(2)(3) Examination Review.~~

(a) A ~~The~~ candidate who failed the examination shall notify the department, in writing, that he or she desires an examination review within 21 ~~30~~ days of the date indicated on the failure notice and include the required review fee of \$50 ~~\$30~~ payable by cashier's check or money order to the department. Upon receipt of payment, the department shall notify the candidate of a review appointment. ~~Upon payment of the fee, an examination review by candidate can be scheduled.~~

(b) Each candidate, who has taken and failed the examination, shall have the right to review the examination booklet and a copy of his or her answer sheet.

(c) The candidate's attorney can be present at the review.

(d) Examination reviews shall be conducted in the presence of a representative of the department and scheduled at a location designated by the department. The review shall be conducted between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding official state holidays. A candidate shall attend only one review per examination administration. If the candidate is scheduled for an examination review date and fails to appear, the review fee shall be forfeited.

(e) The candidate shall be allowed one-half the time, ~~not to extend beyond the time~~ allowed for the original administration of the examination; to review the examination materials provided. Neither the candidate nor the attorney shall be allowed to bring any material for documenting or recording any test material into the review session.

(f) through (g) No change.

(h) The department representative shall provide the candidate with a writing utensil and paper to document his or her review questions. The candidate shall not copy questions from the examination booklet. The candidate shall write any objection or question concerning the examination. Any candidate who fails the examination and attends an examination review, pursuant to this section, shall not be eligible for reexamination for at least 30 days after the examination review.

~~(i) The candidate shall leave the written objections and questions with a representative of the department when he or she leaves the review.~~

~~(j) The candidate's objections shall then be analyzed by a representative of the department. If the representative finds that the original grade awarded was consistent with the grading criteria, then the candidate shall be notified in writing.~~

~~(k) If the department representative finds that the candidate's objection requires further review, the representative, in conjunction with the Chief, shall review each objection and grade the items in accordance with the standards established to govern the examination.~~

~~(4) If the department finds that the original grade was not rendered in accordance with the grading criteria, the representative shall re-grade the examination. At the conclusion of the reevaluation of the examination, the candidate shall be notified in writing of the decision and the candidate's review fee shall be refunded.~~

(4) Examination Requirements:

(a) No change.

(b) The following grades are the minimum scores required to pass the below-listed examinations:

~~1. State developed EMT Examination, 70 percent or higher.~~

~~1.2. Florida Paramedic Certification Examination, 80 percent or higher.~~

~~3. NREMT paramedic (Assessment Examination), 70 percent or higher.~~

~~4. NREMT paramedic (Certification Examination), 70 percent or higher, and a passing score on each subpart.~~

~~2.5. NREMT EMT-Basic Examination, 70 percent or higher.~~

(5) ~~To be scheduled for a reexamination rescheduled for the state certification examination, the requestor shall submit DH Form 1975, April 05, Emergency Medical Technicians Re-exam, or Form 1978, Paramedics Re-exam, 4583, April 02, Emergency Medical Technicians and Paramedics Certification Application/Examination Scheduling which is incorporated by reference and available from the department in Rule 64E-2.008, F.A.C. The request shall be submitted so as to be received by the department in accordance with the published deadlines for examinations located on the department's website no later than 30 calendar days prior to the date of the scheduled examination.~~

(6) An EMT candidate must document successful completion of 24 hours of department-approved refresher training based on the 1994 U.S. DOT EMT-Basic National Standard Curriculum prior to being scheduled for another attempt at the examination after three failures. An EMT applicant who has failed the examination six times is disqualified from certification and must successfully complete a full EMT training program, pursuant to paragraph 64E-2.008(1)(a), F.A.C., prior to being considered for subsequent examination and certification.

(7) A paramedic candidate must document successful completion of 48 hours of department-approved refresher training based on the 1998 U.S. DOT EMT-Paramedic National Standard Curriculum prior to being scheduled for another attempt at the certification examination after three

failures. A paramedic applicant who has failed the examination six times is disqualified from certification and must successfully complete a full paramedic education program, pursuant to paragraph 64E-2.009(1)(a), F.A.C., prior to being considered for subsequent examination and certification.

~~(8)(6) Persons with documented learning disabilities in the areas of reading decoding or reading comprehension or some form of documented disability or cognitive processing deficit specifically in the reading area which would negatively impact on the candidate's performance on the written examination may be eligible for special accommodations with the written certification examination. The person requesting the accommodation must provide documentation of the diagnosis before any decision shall be made by the department for accommodation in the administration of the paramedic examination and by the National Registry of Emergency Medical Technicians for accommodation in the administration of the EMT examination regarding the request for special accommodation.~~

~~(a) Documentation of a specific learning disability shall include one of the following:~~

~~1. Diagnosis of a learning disability in the area of reading decoding or reading comprehension based upon the results of standardized psycho-educational assessment including an appropriate standardized measure of intelligence and an appropriate standardized measure of achievement in reading decoding or reading comprehension. Two recognized instruments acceptable to the department which provide the disability diagnosis and which are standardized for adults are:~~

~~a. Wechsler Adult Intelligence Scale Revised.~~

~~b. Woodcock-Johnson Psycho-Educational Battery Revised: Tests of Achievement.~~

~~2. School or work records which demonstrate that special education services or accommodations were provided due to a learning disability in the area of reading decoding or reading comprehension. Documentation of the learning disability shall be required.~~

~~(a)(b) Individuals who qualify for special accommodation on the written examination due to a documented learning disability as described above shall be required permitted to take the standard format of the examination, but shall receive an additional time hour in which to complete the examination based on the department's assessment of the severity of the learning disability.~~

~~(b)(e) Other types of accommodations to meet the needs of applicant's documented disabilities shall may be granted with appropriate documentation of disability as determined by the department.~~

Specific Authority 381.0011, 401.27, 401.35 FS. Law Implemented 381.001, 401.27, 401.35 FS. History—New 4-26-84, Amended 3-11-85, Formerly 10D-66.575, Amended 4-12-88, 12-10-92, 12-10-95, 1-26-97, Formerly 10D-66.0575, Amended 8-4-98, 6-3-02, 11-3-02, _____.

64E-2.013 Records and Reports.

(1) through (a) No change.

(b) Personnel records for each employee, to include date of employment, training records, employee application, documentation ~~copy~~ of current certification, ~~card~~, and confirmation that each driver is in compliance with Section 401.281, F.S.

(c) through (13) No change.

Specific Authority 381.0011, 395.405, 401.30, 401.35 FS. Law Implemented 381.001, 381.0205, 395.401-395.405, 401.23, 401.25, 401.27, 401.30, 401.35, 401.411 FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.60, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.060, Amended 7-14-99, 2-20-00, 4-15-01, 11-3-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Victoria Parsons, Program Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda R. White, M.B.A., Acting Division Director

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

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

P.O. DO29262

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE CHAPTER TITLE: Multiple Hurricane Deductible Reimbursement Program

RULE CHAPTER NO.: 69J-1

RULE TITLES: Purpose and Scope 69J-1.001

Definitions 69J-1.002

Forms Adopted 69J-1.003

Acquiring Forms 69J-1.004

Notice Process 69J-1.005

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

Claim Submission Process 69J-1.007

Aggregation of Deductibles 69J-1.008

Processing of Claims 69J-1.009

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

Determination of Claim Validity 69J-1.012

Valuation of Loss 69J-1.013

Special Rule for Condominium Association Claims 69J-1.020

Impact of Variations Among Deductibles 69J-1.025

Assignment of Rights Under the Program 69J-1.030

Death of Policyholder 69J-1.031

PURPOSE AND EFFECT: This proposed permanent rule provides procedures and standards for the multiple hurricane deductible reimbursement program pursuant to Chapter 2004-480, L.O.F.

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

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

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

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

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

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

Rule 69J-1.020, F.A.C., addresses issues specific to condominium association claims. The rule interprets the applicability of the reimbursement limits applying to condominium associations.

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

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

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: Chapter 2004-480, L.O.F.

LAW IMPLEMENTED: Chapter 2004-480, L.O.F.

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

TIME AND DATE: 9:30 a.m., July 19, 2005

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320, (850)413-5800

THE FULL TEXT OF THE PROPOSED RULES IS:

MULTIPLE HURRICANE DEDUCTIBLE REIMBURSEMENT PROGRAM

69J-1.001 Purpose and Scope.

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.002 Definitions.

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

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

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

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

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

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

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

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

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.003 Forms Adopted.

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

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

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

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

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

(5) Multiple Hurricane Deductible Reimbursement Program Affidavit Form, DFS-I0-1645 (rev. (2/05).

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.004 Acquiring Forms.

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

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

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.005 Notice Process.

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

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

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

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

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

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

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

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

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

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

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

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

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

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

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.007 Claim Submission Process.

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

(2) The eligible policyholders shall mail the application form to Florida Department of Financial Services, 200 E. Gaines St., Rm. 529, Tallahassee, FL 32399-4213. The mailing must be postmarked or actually received by March 1, 2005 to maintain eligible status. However, if an application is mailed to the insurer, and is postmarked by March 1, 2005, and then forwarded by the insurer and received by the by the Department by March 21, 2005 it will be considered timely.

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

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.008 Aggregation of Deductibles.

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

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.009 Processing of Claims.

(1) For the purposes of processing, claims will be divided into two categories: Priority One and Priority Two. Priority One Claims are those of policyholders who received claims payments from their insurer for two or more hurricanes for which at least two payments were reduced by the full amount of the deductible. The entire reimbursement request will be

considered as a Priority One Claim even if in addition the two deductibles a partial deductible was also applied. Priority Two claims are all claims other than Priority One claims of policyholders who meet the eligibility criteria in Chapter Law 2004-480, (HB 9A).

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

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

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

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

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

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

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

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.012 Determination of Claim Validity.

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

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

(2) If the documentation in the file of the applicant does not include a copy the insurance policy or information from the insurer as to the extent of the coverage upon which application is based, the department will look to Homeowners 3 – Special Form HO 00 03 10 00, published in 1999 by Insurance Services Office, Inc. Newport World Business Center, 545 Washington Boulevard, Jersey City, NJ 07310-1686 from which such form may be obtained, which is hereby incorporated by reference, as a basis to determine claim validity.

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History–New _____.

69J-1.013 Valuation of Loss.

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

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

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

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

1. A damage report from a governmental agency such as FEMA, or a county building department.

2. Engineering or other licensed expert’s damage assessment report.

3. Licensed building contractor estimate or invoice.

4. Public adjuster’s damage loss report.

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

a. Photographs of damage.

b. Receipts for materials purchased for repairs.

c. Written statement from a disinterested witness without expertise in insurance adjusting or construction.

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

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

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

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

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

(5) Upon receipt by the policyholder of a warrant disbursing funds under the Multiple Hurricane Deductible Reimbursement Program or a letter denying an application, the Department upon request of the policyholder, shall allow 30 days from such receipt for submission of additional information to the Department to justify a change in the disbursement amount or a reversal of the denial.

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History–New _____.

69J-1.020 Special Rule for Condominium Association Claims.

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

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

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

1. \$3,000 per residential condominium unit covered under a policy.

2. \$10,000 if a deductible was applied for two hurricanes.

3. \$20,000 if a deductible was applied for three or more hurricanes, or

4. \$10,000 per structure damaged.

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

(c) The number of residential condominium units used for the limit calculation is limited, by the number of residential units in the condominium, and the number of residential units in structures covered by the policy from which the deductibles were applied. The number of structures damaged, and the number of structures in the condominium do not impact the calculation, of the limit. Residential units of undamaged buildings will be counted in the limit calculation if they are in the same condominium as the damaged property, and covered under the same insurance policy as the damaged property.

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.025 Impact of Variations Among Deductibles.

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

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

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

(4) If there is one policy covering multiple structures, and the policy provides for deductibles to be applied on a per structure basis, then reimbursement will only be paid for deductibles applied on structures damaged by more than one hurricane, and only for deductibles applied to the second or subsequent hurricanes. In such a situation the requirement that a policyholder be subjected to deductibles in an amount equal to one full deductible will be applied on a per structure basis.

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.030 Assignment of Rights Under the Program.

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

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

69J-1.031 Death of Policyholder.

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

Specific Authority Chapter 2004-480, L.O.F. Law Implemented Chapter 2004-480, L.O.F. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Terfinko, Assistant Director, Division of Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 1, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: RULE NO.:

Florida Workers' Compensation 69L-7.602
Medical Services Billing,
Filing and Reporting Rule

PURPOSE AND EFFECT: The amendments clarify rule language and data reporting requirements, amend an administrative penalty dollar amount to a decreased value for untimely medical bill reporting to the division, amend the form DFS-F5-DWC-25, and its completion instructions, update form completion instructions for forms DFS-F5-DWC-09, DFS-F5-DWC-10, DFS-F5-DWC-11, and to incorporate the recommendations of Florida's Worker's Compensation Three-Member Panel that affect medical health care provider billing procedures.

SUMMARY: The rule provides for reimbursement of healthcare providers that provide medical services for workers' compensation claimants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.13(4), 440.15(3)(b),(d), 440.185(5), 440.525(2), 440.591, 440.593(5) FS.

LAW IMPLEMENTED: 440.09, 440.13(2)(a),(3),(4),(6),(11), (12),(14),(16), 440.15(3)(b),(d), 440.20(6), 440.185(5),(9), 440.593 FS.

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

TIME AND DATE: 9:00 a.m., July 11, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.602 Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule.

(1) Definitions. As used in this rule:

(a) "Accurately Complete" or "Accurately Completed" means the form submitted contains the information necessary to meet the requirements of Chapter 440, F.S., and this rule.

(b) "Agency" means the Agency for Health Care Administration as defined in Section 440.02(3), F.S.

(c) "Ambulatory Surgical Center" is defined in Section 395.002(3), F.S.

(d)(e) "Billing" means the process by which a health care provider submits a claim to an insurer, service company/third party administrator (TPA) or any entity acting on behalf of the insurer, to receive reimbursement for medical services provided to an injured employee.

(e)(f) "Catastrophic Event" means the occurrence of an event outside the control of an insurer, ~~or~~ submitter, service company/third party administrator (TPA) or any entity acting on behalf of the insurer, such as a natural disaster, an act of terrorism (including but not limited to cyber terrorism) or a telecommunications failure, in which recovery time will prevent an insurer, ~~or~~ submitter, service company/TPA or any entity acting on behalf of the insurer from meeting the filing and reporting requirements of Chapter 440, F.S., and this rule.

(f)(e) "Charges" means the dollar amount billed.

(g)(f) "Charge Master" means a comprehensive coded list developed by a hospital or an ambulatory surgical center representing the its usual charges for specific services and/or supplies.

(h)(g) "Claims-Handling Entity File Number" means the number assigned to the claim file by the insurer or, service company/TPA ~~or third party administrator~~ for purposes of internal tracking.

(i)(h) "Current Dental Terminology (~~CDT-4~~)" (CDT) means the American Dental Association's reference document containing descriptive terms to identify codes for billing and reporting dental procedures.

(j)(i) "Date Insurer Paid" means the date the insurer, service company/TPA, ~~third party administrator~~ or submitter or any entity acting on behalf of the insurer mails, transfers or electronically transmits payment to the health care provider.

(k)(j) "Date Insurer Received" means the date that a Form DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-90 or the electronic form equivalent is delivered to, and manually or electronically date stamped by; the insurer, service company/TPA, ~~third party administrator~~ or submitter or any entity acting on behalf of the insurer from a provider.

(l)(k) "Deny" means to determine that no payment is to be made for a specific procedure code or other service reported by a health care provider to an insurer, service company/TPA or any entity acting on behalf of the insurer on a bill.

(m)(l) "Division" means the Division of Workers' Compensation (DWC) as defined in Section 440.02(14), F.S.

(n)(m) "Disallow" means to determine that no payment is to be made for a specific procedure code or other service reported by a health care provider to an insurer, service company/TPA or any entity acting on behalf of the insurer for reimbursement, based on identification of a billing error, inappropriate utilization or over utilization, use of an incorrect billing form, only one line-item billed and the bill has an invalid code, or required information is inaccurate, incorrect, missing or illegible.

(o)(n) "Electronic Filing" means the computer exchange of medical data from a submitter to the division in the standardized format defined in the Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), 2005 ~~2004~~.

(p)(o) "Electronic Form Equivalent" means the format, provided in the Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), 2005 ~~2004~~, to be used when a submitter electronically transmits required data to the division. Electronic form equivalents do not include transmission by facsimile, data file(s) attached to electronic mail, or computer-generated paper-forms.

(q)(p) "Electronically Filed with the Division" means the date an electronic filing has been received by the division and has successfully passed structural and data-quality edits.

(r) “Entity” means any party, involved in the provision of or the payment for medical services, care or treatment rendered to the injured employee, excluding the insurer, service company/TPA or health care provider as identified in this section.

(s)(e) “Explanation of Bill Review” (EOBR) means the codes and written explanation of an insurer’s reimbursement decision sent to the health care provider as notice of payment, denial, disallowance or adjustment.

(t)(f) “Florida Workers’ Compensation Medical EDI Implementation Guide (MEIG), 2005 ~~2004~~” is the Florida Division of Workers’ Compensation’s reference document containing the specific electronic formats and data elements required for insurer reporting of medical data to the division.

(u)(s) “Healthcare Common Procedure Coding System National Level II Codes (HCPCS)” (HCPCS) means the Centers for Medicare and Medicaid Services’ (CMS) reference document listing descriptive codes for billing and reporting professional services, procedures, and supplies provided by health care providers.

(v)(t) “Health Care Provider” is defined in Section 440.13(1)(h), F.S.

(w)(u) “Hospital” ~~is defined in Section~~ means any health care institution licensed under Chapter 395.002(13), F.S.

(x)(v) “ICD-9-CM International Classification of Diseases” (ICD-9) is the U.S. Department of Health and Human Services’ reference document listing the official diagnosis and inpatient-procedure code sets.

(y)(w) “Insurer” is defined in Section 440.02(38), F.S.

(z)(x) “Insurer Code Number” means the number the division assigns to each individual insurer, self-insured employer or self-insured fund.

(aa)(y) “Itemized Statement” means a detailed listing of ~~hospital provided~~ services and supplies provided to an injured employee, including the quantity and charges for each service or supply.

(z) “~~Medical Summary Report~~” means an Excel spreadsheet format that denotes an insurer, service company or third party administrator payment, adjustment and payment, disallowance or denial information.

(bb)(aa) “Medically Necessary” or “Medical Necessity” is defined in Section 440.13(1)(l), F.S.

(cc)(bb) “NDC number” means the National Drug Code (NDC) number, assigned under Section 510 of the Federal Food, Drug, and Cosmetic Act, which ~~that~~ identifies the drug product labeler/vendor, product, and trade package size.

(ee) “~~Paper Form Filed with the Division~~” means the date a paper document is accurately completed, postmarked and mailed pre paid to the Department of Financial Services as a required filing under this rule.

(dd) “Physician” is defined in Section 440.13(1)(q), F.S.

(ee) “Physician’s Current Procedural Terminology (CPT®)” (CPT) means the American Medical Association’s reference document (HCPCS Level I) containing descriptive terms to identify codes for billing and reporting medical procedures and services.

(ff) “Principal Physician” means the treating physician responsible for the oversight of medical care, treatment and attendance rendered to an injured employee, to include recommendation for appropriate consultations or referrals.

(gg) “Report” means any form related to medical services rendered, in relation to a workers’ compensation injury, which ~~that~~ is required to be filed with the division under this rule.

(hh) “Service Company/Third Party Administrator (TPA)” means ~~an party that entity which~~ has contracted with an insurer for the purpose of providing ~~all~~ services necessary to adjust workers’ compensation claims on the insurer’s behalf.

(ii) “Service Company/Third Party Administrator (TPA) Code Number” means the number the division assigns to each third party administrator, claims administrator or servicing company.

(jj) “Submitter” means an insurer, service company/~~or third party administrator~~ (TPA), entity or any other party entity acting as an agent or vendor on behalf of an insurer, service company/TPA ~~or third party administrator~~, or entity to fulfill any insurer responsibility to electronically transmit required medical data to the division.

(kk) “UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee, April 2005 ~~May 2004~~” (UB-92 manual) is the reference document providing billing and reporting completion instructions for the Form DFS-F5-DWC-90 (UB-92 HCFA-1450, Uniform Bill, Rev.1992/UB-92).

(2) Forms for Medical Billing, Filing and Reporting.

(a) Form DFS-F5-DWC-9 (CMS-1500 Health Insurance Claim Form, Rev. 12/90); Form DFS-F5-DWC-9-A, Rev. May 26, 2005; Form DFS-F5-DWC-10 (Statement of Charges for Drugs and Medical Supplies Form), Rev. 5/26/2005; ~~3/2004~~; Form DFS-F5-DWC-11 (American Dental Association Dental Claim Form, Rev. 2002); Form DFS-F5-DWC-11-A, Rev. May 26, 2005; Form DFS-F5-DWC-25 (Florida Workers’ Compensation Uniform Medical Treatment/Status Reporting Form), Rev. 05/26/2005 ~~03/2004~~; Form DFS-F5-DWC-25 completion instructions, Rev. May 26, 2005; and Form DFS-F5-DWC-90 (UB-92 HCFA-1450, Hospital Uniform Bill, Rev./UB-92, Effective 1992) ~~and completion instructions for these forms~~ are hereby incorporated by reference into this rule.

1. A copy of the Form DFS-F5-DWC-9 can be obtained from the CMS web site: <http://www.cms.hhs.gov/forms/>. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

2. A copy of the Form DFS-F5-DWC-10 and completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

3. A copy of the Form DFS-F5-DWC-11 can be obtained by contacting the American Dental Association. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

4. A copy of the Form DFS-F5-DWC-25 and completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

5. A copy of the Form DFS-F5-DWC-90 can be obtained from the CMS web site: <http://www.cms.hhs.gov/forms/>. Completion instructions can be obtained from the UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee (Rev. April 2005) and sub-subparagraph (4)(e)5. of this rule DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

(b) In lieu of submitting a Form DFS-F5-DWC-10, when billing for drugs or medical supplies, alternate billing forms are acceptable if:

1. An insurer has approved the alternate billing form(s) prior to submission by a health care provider, and

2. The form provides all information required on the Form DFS-F5-DWC-10. Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be submitted as an alternate form.

(3) Materials Adopted for Reference. The following publications are incorporated by reference herein:

(a) UB-92, National Uniform Billing Data Element Specifications as Adopted by the Florida State Uniform Billing Committee (Rev. April 2005 ~~May 2004~~). A copy of this manual can be obtained from the Florida Hospital Association.

(b) The Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), 2005 ~~2004~~. Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), 2005 ~~2004~~ can be obtained from the DFS/DWC web site: http://fldfs.com/WC/edi_med.html.

(c) The American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes (HCPCS), as adopted in Rule 69L-7.020, F.A.C. Centers for Medicare and Medicaid Services, Copyright 2003, American Medical Association.

(d) The Physicians' Current Procedural Terminology (CPT®), as adopted in Rule 69L-7.020, F.A.C. Copyright 2003, American Medical Association.

(e) The Current Dental Terminology (CDT-4), as adopted in Rule 69L-7.020, F.A.C., Fourth Edition Copyright 2003, American Dental Association.

(f) The 2005 ICD-9-CM Professional for Hospitals, Volumes 1, 2, & 3, International Classification of Diseases, 9th Revision, Clinical Modification, Sixth Edition, Copyright 2004 2003, Ingenix American Medical Association.

(g) The Physician ICD-9-CM 2005, Volumes 1 & 2, International Classification of Diseases, 9th Revision, Clinical Modification, Copyright 2004, American Medical Association.

~~(h)(g)~~ The American Medical Association's Guide to the Evaluation of Permanent Impairment, 3rd Edition, (AMA Guide) (Copyright 1988 by the American Medical Association), as adopted incorporated in Rule Chapter 69L-7.604, F.A.C.

~~(i)(h)~~ The Minnesota Department of Labor and Industry Disability Schedule, as adopted incorporated in Rule Chapter 69L-7.604, F.A.C.

~~(j)(i)~~ The Florida Impairment Rating Guide, as adopted incorporated in Rule Chapter 69L-7.604, F.A.C.

~~(k)(j)~~ The 1996 Florida Uniform Permanent Impairment Rating Schedule, as adopted incorporated in Rule Chapter 69L-7.604, F.A.C.

(4) Health Care Provider Responsibilities.

(a) All providers are responsible for meeting their obligations, under this rule, regardless of any business arrangement with any entity under which claims are prepared, processed or submitted to the insurer.

(b) Each health care provider is responsible for submitting any additional form completion information and supporting documentation requested by the insurer at the time of authorization, or at the time a reimbursement request is received.

~~(c)(a)~~ Insurers and providers shall utilize only the Form DFS-F5-DWC-25 for physician reporting of the injured employee's medical treatment/status. Any other reporting forms may not be used in lieu of or supplemental to the Form DFS-F5-DWC-25.

1. The Form DFS-F5-DWC-25 does not replace physician notes, medical records or division-required medical billing reports.

2. All information submitted on physician notes, medical records or division-required medical billing reports must be consistent with information documented on the Form DFS-F5-DWC-25.

~~(d)(b)~~ Special Billing Requirements.

1. When anesthesia services are billed on a Form DFS-F5-DWC-9, completion of the form must include the CPT code and the "P" code (physical status modifier), which correspond with the procedure performed, in Field 24D. Anesthesia health care providers shall enter the date of service and the 5-digit qualifying circumstance code, which correspond with the procedure performed, in Field 24D on the next line, if applicable.

2. When an Advanced Registered Nurse Practitioner (ARNP) provides services as a Certified Registered Nurse Anesthetist, he/she shall bill on a Form DFS-F5-DWC-9 for the services rendered and enter his/her Florida Department of Health license number in Field 33, regardless of the employment arrangement under which the services were rendered, or the party submitting the bill.

3. Regardless of the employment arrangement under which the services are rendered or the party submitting the bill, the following health care providers, who render direct billable services for which reimbursement is sought from an insurer, shall enter his/her Florida Department of Health license number in Field 33 on the Form DFS-F5-DWC-9:

a. ~~Any~~ When a licensed physician; or

b. Any non-physician health care provider, including a physician assistant or an ARNP (not providing an anesthesia-related service); or renders direct billable services for which reimbursement is sought from an insurer, he/she shall enter his/her Florida Department of Health license number in Field 33 on the Form DFS-F5-DWC-9, regardless of the employment arrangement under which the services were rendered or the party submitting the bill.

c. Any licensed non-physician health care providers whose licensure permits independent billing.

4. For hospital billing, the following special requirements apply:

a. Inpatient billing – Hospitals shall:-

I. In addition to filing a Form DFS-F5-DWC-90, attach an itemized statement with charges based on the facility's Charge Master, and-

II. Enter the ZIP Code applicable to the hospital's physical location in Form Locator 84 – 'Remarks', on the DFS-F5-DWC-90. The ZIP Code must be the first entry within the 'Remarks' area when multiple entries are made in Form Locator 84; and

b. Outpatient billing – Hospitals shall:-

I. In addition to filing a Form DFS-F5-DWC-90, Hospitals shall enter the CPT, HCPCS, or unique workers' compensation code (provided in the Florida Workers' Compensation Health Care Provider Reimbursement Manual adopted in Rule 69L-7.020, F.A.C., 2004 Edition) in Form Locator 44 on the Form DFS-F5-DWC-90, to bill outpatient radiology, clinical laboratory and/or physical, occupational or speech therapy charges, and treatments.

II. Enter a surgical CPT code in Form Locator 44 when billing outpatient surgery or surgical services; and

III. Hospitals shall Enter the date of service on Form DFS-F5-DWC-90, in Form Locator 45, for outpatient billing; and-

IV. Hospitals shall bill supplies by filing a Form DFS-F5-DWC-90 and attaching an itemized statement with charges based on the a facility's Charge Master if there is no line item detail shown on the Form DFS-F5-DWC-90; and-

V. Enter the ZIP Code applicable to the hospital's physical location in Form Locator 84 – 'Remarks' on the DFS-F5-DWC-90. The ZIP Code must be the first entry within the 'Remarks' area when multiple entries are made in Form Locator 84.

5. Certified, Licensed physician assistants, anesthesia assistants and registered certified first nurse first assistants who provide surgical assistance on procedures with codes permitting an assistant surgeon-physician shall bill on a Form DFS-F5-DWC-9 entering the CPT code(s) plus modifier(s), which represent the service(s) rendered, in Field 24D, and must enter his/her their Florida Department of Health license number in Field 33.

6. Ambulatory Surgical Centers (ASCs) shall bill on a Form DFS-F5-DWC-9.

7. Federal Facilities shall bill on their usual form.

8. Dental Services.

a. Dentists shall bill for services on a Form DFS-F5-DWC-11.

b. Oral surgeons shall bill for oral and maxillofacial surgical services on a Form DFS-F5-DWC-9. Non-surgical dental services shall be billed on a Form DFS-F5-DWC-11.

9. Pharmaceutical and Medical Supplies.

a. Pharmacists and medical suppliers shall bill on a Form DFS-F5-DWC-10 or on an insurer pre-approved alternate form. Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 shall not be submitted as an alternate form.

b. Pharmacists shall complete Field 9, on a Form DFS-F5-DWC-10, by entering the unique workers' compensation code 96371 ~~word "COMPOUND"~~ when medicinal drugs are compounded and the formulation prescribed is not commercially available.

c. Dispensing physicians, physician assistants or ARNPs shall bill on a Form DFS-F5-DWC-9, when supplying commercially available medicinal drugs (commonly known as legend or prescription drugs) and shall enter the NDC number in Field 24D. Optionally, the unique workers' compensation code 96370 may be entered in addition to the NDC code, in Field 24D.

d. When administering or supplying injectable drugs, the physician, physician assistant or ARNP shall bill on a Form DFS-F5-DWC-9 and enter the appropriate HCPCS "J" code in Field 24D.

e. Dispensing physicians shall complete Field 24D, on a Form DFS-F5-DWC-9, by entering the unique workers' compensation code 96371 when medicinal drugs are compounded and the formulation prescribed is not commercially available.

f. Dispensing physicians, physician assistants or ARNPs shall bill by entering code 99070 in Field 24D, on a Form DFS-F5-DWC-9, when supplying over-the-counter drugs and shall submit an invoice indicating the name, dosage, package size and cost of the drug(s).

g. Physicians and other licensed health care providers providing medical supplies shall bill on a Form DFS-F5-DWC-9 and attach documentation ~~an invoice~~

indicating the actual cost of the supply, including applicable manufacturer's shipping and handling and taxes, when applicable.

10. Physicians billing for a failed appointment for a scheduled independent medical examination (when the injured employee does not report to the physician office as scheduled) shall bill on their invoice or letterhead. The invoice shall not be a Form DFS-F5-DWC-9.

11. Health care providers receiving reimbursement under any payment plan (pre-payment, prospective pay, capitation, etc.) must accurately complete the Form DFS-F5-DWC-9 on the date of service. A Form DFS-F5-DWC-9 must be submitted to the insurer within 30 calendar days following the date of each service.

~~12.10.~~ Health care providers and other insurer authorized providers rendering health care services reimbursable under workers' compensation, whose billing requirements are not otherwise specified in this rule (e.g. home health agencies, independent ambulance services, transportation services, etc.), shall bill on their invoice or business letterhead. These providers shall not submit the Forms DFS-F5-DWC-9, DFS-F5-DWC-11 or DFS-F5-DWC-90 as an invoice.

~~(e)(e)~~ Bill Completion.

1. Bills shall be legibly and accurately completed by all health care providers, regardless of location or reimbursement methodology, as set forth in this paragraph.

2. Billing elements required by the division to be completed by a health care provider are identified in specific Form DFS-F5-DWC-9-A (completion instructions), available at the following websites as follows:

a. <http://www.fldfs.com/wc/pdf/DWC-9instrHCP.pdf> when submitted by Licensed Health Care Providers;

b. <http://www.fldfs.com/wc/pdf/DWC-9instrASC.pdf> when submitted by Ambulatory Surgical Centers;

c. <http://www.fldfs.com/wc/pdf/DWC-9instrWHPM.pdf> when submitted by Work Hardening and Pain Management Programs.

~~Physician and Non-Physician/Certified Provider Billing — Form DFS F5 DWC 9.~~

~~(I) Field 1a Injured employee's Social Security Number or division assigned number (obtained from the Insurer).~~

~~(H) Field 2 Injured employee's name: Last, First, Middle initial, if applicable.~~

~~(III) Field 14 Date of current accident, illness or injury.~~

~~(IV) Field 16 Dates injured employee is unable to work, as applicable.~~

~~(V) Field 21(1) Diagnosis of primary injury or illness (Include decimal in ICD-9 code, as applicable).~~

~~(VI) Field 21 (2-4) Additional diagnoses (Include decimal in ICD-9 code, as applicable).~~

~~(VII) Field 24A Date(s) of service: 'From' and 'To' date. Multiple dates of service are billable on a single line only if the dates are consecutive. If there is a single date of service, enter the same date in both 'From' and 'To' fields.~~

~~(VIII) Field 24B Place of service (as listed in the CPT manual).~~

~~(IX) Field 24D Procedure, service or supply code (CPT, CDT-4, HCPCS, NDC or unique workers' compensation code plus modifier, as required for reimbursement).~~

~~(X) Field 24E Diagnosis code reference numbers: '1', '2', '3', '4' refer to corresponding diagnoses listed in Field 21 (1, 2, 3, 4).~~

~~(XI) Field 24F Total dollar charges for units billed per line.~~

~~(XII) Field 24G Number of days, hours, units, or quantity of drug or supply must be entered in whole numbers. Total length of anesthesia service time must be entered in minutes.~~

~~(XIII) Field 25 Federal tax identification number.~~

~~(XIV) Field 32 ZIP code where services were rendered.~~

~~(XV) Field 33 (PIN#) License number of the health care provider rendering direct billable service(s): Providers shall enter their Florida Department of Health provider license, out of state license, or other facility number as assigned by the professional regulatory board, licensing authority or state regulatory agency.~~

~~(A) Work Hardening/Pain Programs enter "WC" for required alpha characters (i.e. WC#####).~~

~~(B) Ambulatory Surgical Centers enter "ASC" for required alpha characters (i.e. ASC### or ASC#####).~~

~~(C) Independent Laboratories enter "IL" for required alpha characters (i.e. IL8000#####, IL80000##### or IL800000#####).~~

~~(D) Advanced Registered Nurse Practitioners enter "ARNP" for required alpha characters (i.e. ARNP##### or ARNP##### or ARNP#####).~~

~~(E) Radiology or Other Facilities (providing only the technical component) enter "XX" for required alpha characters and 9999999999 for required numeric characters (i.e. XX9999999999).~~

3. Billing elements required by the division to be completed for Pharmaceutical or Medical Supplier Billing are identified in specific Form DFS-F5-DWC-10 (completion instructions) available at website: <http://www.fldfs.com/wc/pdf/DWC-10.pdf>.

~~b. Pharmaceutical/Medical Supplier Billing — Form DFS F5 DWC 10.~~

~~(I) Form DFS F5 DWC 10 Section 1 — Fields required to be completed by Pharmacy and Medical Supply providers:~~

~~(A) Field 1 Injured employee's name: Last, First, Middle Initial, if applicable.~~

~~(B) Field 2 Injured employee's Social Security Number or division assigned number (obtained from the insurer).~~

~~(C) Field 3 Date of current accident, injury or illness in MM/DD/CCYY format.~~

(H) Form DFS-F5-DWC-10 Section 2—Fields required to be completed by pharmacy providers only:

(A) Field 6 Medication/drug name and strength.

(B) Field 7 Number of tablets, capsules, suppositories, milliliters of liquid, grams of ointment or units of injectable medication.

(C) Field 8 Estimated number of days that medication will last according to prescription dosage and administration instructions.

(D) Field 9 National Drug Code number: manufacturer number, item number, package number; enter “COMPOUND” if a compounded drug is dispensed.

(E) Field 10 Pharmacy’s internal number assigned to the prescription.

(F) Field 15 Pharmacy’s usual charges for the drug. When field 13 is coded, enter the usual charges for the generic equivalent.

(III) Form DFS-F5-DWC-10 Section 3—Fields required to be completed by Medical Supplier or Pharmacy providing medical supplies:

(A) Field 16 Description or name of item supplied: quantity and size, when applicable.

(B) Field 17 Prescriber’s license number assigned by the professional regulatory board or licensing authority.

(C) Field 18 Purchase date in MM/DD/CCYY format.

(D) Field 19 Medical supplier’s usual charge for item(s) supplied.

(IV) Form DFS-F5-DWC-10 Section 4—Fields required to be completed by Pharmacy and Medical Supply providers:

(A) Field 20 Total dollar charges appearing on this statement.

(B) Field 22 Date pharmacy or medical supplier submits statement to insurer for payment in MM/DD/CCYY format.

(C) Field 23 Pharmacist’s license number assigned by professional regulatory board or licensing authority.

(D) Field 24 Pharmacy’s or medical supplier’s federal employer identification number.

4. Billing elements required by the division to be completed for Dental Billing are identified in specific Form DFS-F5-DWC-11-A (completion instructions), available at website: <http://www.fldfs.com/WC/forms.html#7>.

e. Dental Billing—Form DFS-F5-DWC-11.

(I) Field 20 Injured employee’s name: Last, First, Middle initial, if applicable.

(H) Field 8 Injured employee’s Social Security Number or Division assigned number (obtained from the insurer).

(III) Field 51 Federal tax identification number.

(IV) Field 55 Dentist’s Florida Department of Health license number (i.e. DN##### or DN#####).

(V) Field 38 Place of treatment (check appropriate box):

(A) Office.

(B) Hospital.

(C) Extended Care Facility.

(D) Other.

(VI) Field 56 Address where services were rendered, including ZIP code.

(VII) Field 46 Date of current accident, injury or illness.

(VIII) Field 24 Date treatment/service performed.

(IX) Field 29 ‘Procedure Code’ Procedure, service or supply code (CPT, CDT-4 or HCPCS ‘D’ code).

(X) Field 31 Total dollar charges per line item.

5. Billing elements required by the division to be completed for Hospital Billing are identified in the UB-92 Manual and as follows:

a. Form Locator 84 ‘Remarks’ – Enter the five-digit ZIP Code of the physical location where services were rendered. The ZIP Code must be the first entry within the ‘Remarks’ area when multiple entries are made in Form Locator 84.

(I) Locator 1 Hospital’s location ZIP code.

(II) Locator 4 Type of bill.

(III) Locator 5 Federal tax identification number.

(IV) Locator 6 Date statement covers period from/through.

(V) Locator 12 Injured employee’s name: Last, First, Middle initial, if applicable.

(VI) Locator 17 Admission date.

(VII) Locator 18 Admission hour.

(VIII) Locator 19 Type of Admission/Visit.

(IX) Locator 21 Discharge hour, if applicable.

(X) Locator 32 Date of accident, injury or illness.

(XI) Insurer name, address and location ZIP code.

(XII) Locator 42 Revenue code.

(XIII) Locator 44 CPT, HCPCS, or unique workers’ compensation code and modifier(s), as required for reimbursement.

(XIV) Locator 45 Date of Service, required for outpatient billing.

(XV) Locator 46 Number of service units.

(XVI) Locator 47 Total dollar charges billed by revenue code.

(XVII) Locator 60A Injured employee’s Social Security Number or Division assigned number (obtained from the insurer).

(XVIII) Locator 67 Principal diagnosis code (ICD-9 code).

(XIX) Locators 68-75 Other diagnosis codes (ICD-9 codes), as applicable.

(XX) Locator 80 Principal procedure code, as applicable.

(XXI) Locator 81 (A, B, C, D, E) Other procedure codes, as applicable.

(XXII) Locator 82 Attending physician’s Florida Department of Health license number.

~~6.3.~~ An insurer can require a health care provider to complete additional data elements that are not required by the division on Forms DFS-F5-DWC-9 or DFS-F5-DWC-11.

~~(f)(4)~~ Provider Bill Submission/Filing and Reporting Requirements.

1. All medical claim form(s) or bill(s) related to services rendered for a compensable injury shall be submitted by a health care provider to the insurer, service company/TPA or any entity acting on behalf of the insurer, as a requirement for billing.

2. Medical claim form(s) or bill(s) may be electronically filed or submitted via facsimile by a health care provider to the insurer, service company/TPA or any entity acting on behalf of the insurer, provided the insurer agrees.

3. Medical claim form(s) or bill(s) shall be filed with an insurer, service company/TPA or any entity acting on behalf of the insurer, according to the following requirements:

a. Health Care Providers (excluding hospitals):

Within 30 calendar days of initial or additional service or treatment and accompanied by required documentation that supports medical necessity. This requirement includes Pharmacies, Medical Suppliers, and Ambulatory Surgical Centers.

b. Hospitals:

(I) Within 30 calendar days following emergency room or initial outpatient treatment.

(II) Within 30 calendar days of an injured employee's discharge from an in-patient hospital stay or follow-up outpatient treatment.

(5) Insurer Responsibilities.

(a) An insurer is responsible for meeting its obligations under this rule regardless of any business arrangements with any service company/TPA, submitter or any entity acting on behalf of an insurer under which claims are adjusted, processed or submitted to the division.

(b) At the time of authorization for medical service(s) or at the time a reimbursement request is received, an insurer shall notify each a health care provider of additional form completion requirements or supporting documentation that are necessary for reimbursement determinations ~~in excess of the requirements set forth in this rule.~~

(c) At the time of authorization for medical service(s), an insurer shall inform an out-of-state health care provider of the specific reporting, billing and submission requirements of this rule.

(d) Insurers and providers shall utilize only the Form DFS-F5-DWC-25 for physician reporting of an injured employee's medical treatment /status, ~~and~~ Any other reporting forms may not be used in lieu of or supplemental to the Form DFS-F5-DWC-25.

(e) Required data elements on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, and DFS-F5-DWC-90, for both medical only and lost-time cases, shall be filed with the division within 45 calendar days of insurer, service company/TPA or any entity acting on behalf of the insurer, payment, adjustment and payment, disallowance or denial. This 45-calendar day requirement includes initial submission and correction and re-submission of all errors identified in the "Medical Claim Processing Report", as defined in the Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), ~~2005~~ 2004.

(f) An insurer shall be responsible for accurately completing required data filed with the division, as of the effective date of this rule, pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), ~~2005~~ 2004 and subparagraphs ~~(4)(e)(e)2.-5.~~ of this rule.

(g) When an injured employee does not have a Social Security Number or division-assigned number, the insurer must contact the division via information provided on the following website: <http://www.fldfs.com/WC/organization/odqc.html> (under Records Management) to obtain a division-assigned number prior to submitting the report to the division.

~~(h) An insurer or service company/TPA shall attach an accurately completed cover sheet, as required in subparagraph (6)(f)4. of this rule, to each paper form batch submitted to the division.~~

~~(i) An insurer~~ must report to the division the procedure, diagnosis or modifier code(s) or amount(s) charged, as billed by the health care provider.

~~(j)(i)~~ An insurer, service company/TPA or any entity acting on behalf of the insurer shall manually or electronically date stamp Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-90 or a submitter shall date stamp the electronic form equivalent with the date insurer received.

~~(j)(k)~~ An insurer, service company/TPA or any entity acting on behalf of the insurer shall return any bills to the provider, with a written explanation, when:

1. Services are billed on an incorrect billing form; or
 2. An invalid code is used and is the only line-item billed;
- or
3. Required information is illegible, inaccurate, incorrect, or omitted not provided.

~~(k)(l)~~ An insurer shall pay, adjust and pay, disallow or deny billed charges within 45 calendar days from the date insurer received, pursuant to Section 440.20(2)(b), F.S.

~~(l)(m)~~ An insurer, service company/TPA or any entity acting on behalf of the insurer, when reporting paid medical claims data to the division, shall report the ~~actual~~ dollar amount paid by the insurer to the health care provider or

reimbursed to the employee for healthcare service(s) or supply(ies). When reporting ~~On~~ disallowed or denied charges, the dollar amount paid shall ~~should~~ be reported as \$0.00.

(m) An insurer shall not report as medical payment data, those payments made for failed appointments for scheduled independent medical examinations.

(n) A ~~submitter~~ insurer, filing electronically, shall submit to the division the Explanation of Bill Review (EOBR) code(s), relating to the adjudication of each line item billed and:

1. Maintain the EOBR in a format that can be legibly reproduced, and
2. Use the EOBR codes and descriptors as follows:
 - a. 01 Services not authorized, as required.
 - b. 02 Services denied as not related to the compensable work injury.
 - c. 03 Services related to a denied work injury: Form DFS-F2-DWC-12 on file with the division.
 - d. 04 Services billed are listed as not covered or non-covered (“NC”) in the applicable reimbursement manual.
 - e. 05 Documentation does not support the level, intensity or duration of service(s) billed. (Insurer must specify to the provider.)
 - f. 06 Location of service(s) is not consistent with the level of service(s) billed.
 - g. 07 Reimbursement equals the amount billed.
 - h. 08 Reimbursement is based on the applicable reimbursement fee schedule.
 - i. 09 Reimbursement is based on any ~~the~~ contracted amount.
 - j. 10 Reimbursement is based on charges exceeding the stop-loss point.
 - k. 11 Reimbursement is based on insurer re-coding. (Insurer must specify to the provider.)
 - l. 12 Charge(s) are included in the per diem reimbursement.
 - m. 13 Reimbursement is included in the allowance of another service. (Insurer must specify procedure to the provider.)
 - n. 14 Hospital itemized statement not submitted with billing form.
 - o. 15 Invalid procedure code. (Use when other valid procedure codes are present.)
 - p. 16 Documentation does not support that services rendered were medically necessary.
 - q. 17 Required supplemental documentation not filed with the bill. (Insurer must specify required documentation to the provider.)
 - r. 18 Duplicate Billing: Service previously paid, adjusted and paid, disallowed or denied on prior claim form or multiple billing of service(s) billed on same date of service.

s. 19 Required Form DFS-F5-DWC-25 ~~form~~ not submitted within three business days of the first treatment pursuant to Section 440.13(4)(a), F.S.

t. 20 Other: Unique EOBR code description. Use of EOBR code “20” is restricted to circumstances when an above-listed EOBR code does not explain the reason for adjustment, disallowance or denial of payment. When using EOBR code “20”, an insurer must reflect code “20” and include the specific explanation of the code on the EOBR sent to the provider. The insurer must ~~and~~ maintain a standardized EOBR code description list.

(o) An insurer, service company/TPA, submitter or any entity acting on behalf of the insurer shall make available to the division and to the Agency, upon request and without charge, a legibly reproduced copy of the electronic form equivalents or Forms DFS-F5-DWC-9, DFS-F5-DWC-10 (or insurer pre-approved alternate form), DFS-F5-DWC-11, DFS-F5-DWC-25, DFS-F5-DWC-90, supplemental documentation, proof of payment, EOBR and/or standardized EOBR code “20” description list.

(p) An insurer, service company/TPA or any entity acting on behalf of the insurer to pay, adjust and pay, disallow or deny a filed bill shall submit to the health care provider an Explanation of Bill Review, utilizing the EOBR codes and descriptions, as listed in sub-paragraph (n) of this section above, and shall include including the insurer name and specific insurer contact information.

(q) Copies of hospital medical records shall be subject to charges allowed pursuant to Section 395.3025, F.S.

(6) Insurer ~~Electronic Medical Report (Electronic Format, Paper format, or Excel spreadsheet format)~~ Filing ~~to~~ ~~the~~ Division.

(a) Effective March 16, 2005, all required medical reports shall be electronically filed with the division by all insurers, ~~in meeting this requirement an insurer shall comply with the following implementation schedule, as applicable:~~

1. Additionally, an insurer shall be responsible for accurately completing the electronic record layout programming requirements for the reporting of the Form DFS-F5-DWC-9 Claim Detail Record Layout – Revision “C” and the Form DFS-F5-DWC-10 Claim Detail Record Layout – Revision “C”, Form DFS-F5-DWC-11 Claim Detail Record Layout – Revision “C” and Form DFS-F5-DWC-90 Claim Detail Record Layout – Revision “C” in accordance with the Florida Workers’ Compensation Medical Implementation Guide (MEIG), 2005, to the division in accordance with the phase-in schedule as denoted below in sub-paragraphs a., b., and c. of this section. The electronic record layout for Form DFS-F5-DWC-9 in the MEIG, 2005, adds the new field 30A for submission of the pre-payment/employee payment indicator and the new field 31A for submission of the duplicate override indicator and adds the new field 18B for submission of the National Drug Code (NDC) number. The electronic

record layout for Form DFS-F5-DWC-10 in the MEIG, 2005, adds the new field 24A for submission of the pre-payment/employee payment indicator and the new field 25A for the submission of the duplicate override indicator and adds a claim detail record layout, which includes form fields 7, 8, 9, 10, 11, 12, 13, 14 and 15 for Section 2 – Prescription Drugs. The electronic record layout for Form DFS-F5-DWC-11 in the MEIG, 2005, adds the new field 27A for submission of the pre-payment/employee payment indicator and the new field 28A for submission of the duplicate override indicator. The electronic record layout for Form DFS-F5-DWC-90 in the MEIG, 2005, adds the new field 40A for submission of the pre-payment/employee payment indicator and the new field 41A for submission of the duplicate override indicator. The conversion implementation schedule is as follows:

a. Submitters who have been approved for reporting production data with the Medical Data System (Record Layout – Revision “B”), between August 2, 2004 and November 9, 2004 shall begin testing on November 1, 2005 and shall be in production with the new record layouts no later than December 9, 2005.

b. Submitters who have been approved for reporting production data with the Medical Data System (Record Layout – Revision “B”), between November 10, 2004 and February 28, 2005 shall begin testing on December 12, 2005 and shall be in production with the new record layouts no later than January 20, 2006.

c. Submitters who have been approved for reporting production data with the Medical Data System (Record Layout – Revision “B”), between March 1, 2005 and the effective date of this rule shall begin testing on January 23, 2006 and shall be in production with the new record layouts no later than March 3, 2006.

1. Submitters who are electronically filing any medical reports with the division, as of the effective date of this rule, must complete a test transmission and be approved by the division for production transmission that meets the requirements set forth in the Florida Workers’ Compensation Medical EDI Implementation Guide, 2004 according to the following schedule:

a. August 2 through September 15, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with the letters A through E and that are submitting for multiple insurers, service companies or third party administrators.

b. September 16 through October 29, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with the letters F through Z and that are submitting for multiple insurers, service companies or third party administrators.

2. Submitters who are not electronically filing any medical reports with the division, as of November 1, 2004, must complete a test transmission and be approved by the division for production transmission that meets the requirements set forth in the Florida Workers’ Compensation Medical EDI Implementation Guide, 2004 according to the following schedule:

a. November 1 through December 15, 2004, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with A through H and that are submitting for multiple insurers, service companies or third party administrators.

b. December 16, 2004 through January 31, 2005, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with I through Q and that are submitting for multiple insurers, service companies or third party administrators.

c. February 1 through March 15, 2005, implementation of the test transmission to production transmission processes for all electronic form equivalents will include submitters with names beginning with R through Z and that are submitting for multiple insurers, service companies or third party administrators.

(b) Special Conversion to Electronic Reporting.

1. Submitters who have implemented electronic filing of any medical reports with the division within 120 calendar days prior to the effective date of this rule, shall be scheduled for the test transmission to production transmission processes, for all electronic form equivalents, to comply with requirements set forth in the Florida Workers’ Compensation Medical EDI Implementation Guide, 2004, beginning February 1 through March 15, 2005.

2. The Division will, resources permitting, allow submitters that volunteer to complete the test transmission to production transmission processes earlier than the schedule denoted above. Each voluntary submitter shall have six weeks to complete test transmission to production transmission processes, for all electronic form equivalents, that comply with requirements set forth in Florida Workers’ Compensation Medical EDI Implementation Guide (MEIG), 2005 2004.

(b) Any insurer, or any other entity acting on behalf of the insurer, who enters into new EDI programming arrangements on or after March 16, 2005, shall not be relieved of the responsibility to comply with the EDI filing mandate pursuant to subparagraph (6)(a) of this rule. Any insurer’s non-compliance with the EDI filing mandate shall be subject to administrative penalties and administrative fines pursuant to paragraph (7) of this rule or Section 440.525, F.S.

(c) Required data elements shall be submitted in compliance with the instructions and formats as set forth in the Florida Workers' Compensation Medical EDI Implementation Guide (MEIG), 2005 2004.

(d) The division will notify the insurer on the "Medical Claim Processing Report" of the corrections necessary for rejected medical reports to be electronically re-filed with the division. An insurer shall correct and re-file all rejected medical claim reports to meet the filing requirements of paragraph (5)(e) of this rule.

(e) Submitters who experience a catastrophic event resulting in the insurer's failure to meet the reporting requirements in paragraph (5)(e) of this rule, shall submit a written request within 3 business days of the catastrophic failure to the division for approval to submit in an alternative reporting method and an alternative filing timeline paper forms in order to meet division reporting requirements. The submission of paper forms due to a catastrophic failure shall not exceed 30 calendar days. Approval must be obtained from the Division's Office of Data Quality and Collection, 200 E. Gaines Street, Tallahassee, Florida 32399-4226. Approval to submit in an alternative reporting method and an alternative filing timeline paper forms shall be granted if a catastrophic event beyond the control of the submitter prevents electronic submission.

~~(f) Until March 16, 2005 required medical reports may be paper form filed with the division by an insurer, service company or third party administrator as follows:~~

~~1. The insurer code number and service company/third party administrator code number (if applicable) accurately and legibly entered in the upper right corner on the form.~~

~~2. The date insurer paid legibly stamped on the front of the form. Payments of \$0.00 are valid amounts on disallowed or denied charges.~~

~~3. The required data elements as set forth in record layout sections of the Florida Workers' Compensation Medical EDI Implementation Guide, 2004. An insurer shall submit to the division the listed information, legibly entered on the paper form, as follows:~~

~~a. Form DFS F5-DWC-9.~~

~~I. "Procedure, Service or Supply Code" (as paid by the insurer, if different from billed code) entered in Field 24D1 without obscuring the billed code;~~

~~II. "Procedure, Service or Supply Code Modifier" (as paid by the insurer, if different from billed modifier) entered in Field 24D2 without obscuring the billed modifier;~~

~~III. "Insurer Payment per Line" entered in Field 24K.~~

~~IV. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.~~

~~b. Form DFS F5-DWC-10.~~

~~I. "Insurer Payment per Line" written above the 'Usual Charge' in Field 15 or 19, respectively;~~

~~II. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.~~

~~e. Form DFS F5-DWC-11.~~

~~I. "Insurer Payment per Line" entered in Field 30 following description;~~

~~II. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.~~

~~d. Form DFS F5-DWC-90.~~

~~I. "HCPCS/RATES" code (as paid by the insurer, if different from billed code). Enter the reimbursed code above the billed code;~~

~~II. "HCPCS/RATES" code modifier (as paid by the insurer if different from billed modifier). Enter the reimbursed modifier above the billed modifier;~~

~~III. "Insurer Payment per Line" entered in Locator 49;~~

~~IV. Additional data elements required pursuant to the Florida Workers' Compensation Medical EDI Implementation Guide, 2004 may be entered on the form, location to be determined by the insurer.~~

~~4. In order to facilitate the division's responsibility to determine the timeliness of health care provider reimbursement and submission of medical reports to the division, reports submitted in paper form must be submitted in batches and each batch must be accompanied with a cover sheet and the following requirements:~~

~~a. Forms DFS F5-DWC-9, DFS F5-DWC-10 (or insurer pre-approved alternate form), DFS F5-DWC-11 or DFS F5-DWC-90 forms shall be separated by form type into 100-count batches prior to submitting to the division. Insurers, processing less than 100 forms in 30 calendar days shall separate by form type category and submit batches of less than 100.~~

~~b. Within each submitted paper form batch, the insurer shall separate and band into groups, medical reports as being untimely paid to a provider or untimely reported to the division pursuant to Section 440.20(6)(b), F.S., and paragraph (5)(c) of this rule, respectively.~~

~~e. Every submitted paper form batch shall be accompanied by a cover sheet providing the following information:~~

~~I. The title shall read "Medical Paper Form Submission Cover Sheet".~~

~~II. The date the batch was submitted to the division shall be specified.~~

III. The insurer name, address including ZIP code of the medical claim office submitting the batch, insurer code number and service company third party administrator code number shall be specified.

IV. The insurer contact name, telephone number and email address shall be specified.

V. ~~The form type (Forms DFS F5-DWC-9, DFS F5-DWC-10, DFS F5-DWC-11 or DFS F5-DWC-90) shall be specified.~~

VI. ~~The total number of medical reports in each batch submitted to the division shall be specified.~~

VII. ~~The total number of medical reports filed with the division more than 45 calendar days after insurer payment, adjustment and payment, disallowance or denial shall be specified.~~

VIII. ~~The total number of medical reports reflecting medical bills that were paid to the provider more than 45 calendar days from the date insurer received.~~

a. ~~Every paper batch which is not accompanied by an accurately completed cover sheet or is not in compliance with sub-subparagraph (6)(f)4.a. of this rule, will be returned to the insurer, service company or third party administrator, and considered not in compliance with paragraph (5)(e) of this rule, until re-filed with an accurately completed cover sheet or correctly batched.~~

5. ~~All required medical reports (Forms DFS F5-DWC-9, DFS F5-DWC-10, DFS F5-DWC-11 or DFS F5-DWC-90) shall be submitted to the division at:~~

~~Department of Financial Services~~

~~Division of Workers' Compensation~~

~~Office of Data Quality and Collection, Medical Data Management Section~~

~~200 East Gaines Street~~

~~Tallahassee, FL 32399-4226.~~

(g) ~~As an alternative to submitting paper form batches, as described in paragraph (6)(f) of this rule, medical data that would otherwise be provided on paper, between the effective date of this rule and each submitter's deadline for electronic submission according to the schedule in paragraph (6)(a) of this rule, may be filed in electronic format to the division in a Medical Summary Report to meet the requirements of this rule. A request to submit medical data in this format shall be sent to ssmedrequest@dfs.state.fl.us. Upon receiving written approval from the division via e-mail, each electronic Medical Summary Report shall be filed by a submitter as follows:~~

1. ~~No later than 15 calendar days following the end of each calendar month, an insurer, service company or third party administrator shall submit four division-approved electronic Excel spreadsheets; one Excel spreadsheet for each of the four medical form types (Forms DFS F5-DWC-9, DFS F5-DWC-10, DFS F5-DWC-11 and DFS F5-DWC-90).~~

2. ~~Each Excel spreadsheet must contain the following data elements:~~

a. ~~Form Type (Forms DFS F5-DWC-9, DFS F5-DWC-10, DFS F5-DWC-11 or DFS F5-DWC-90).~~

b. ~~Calendar Month/Year of medical data processed by the insurer submitted to the division, (i.e. 01/01/2004 through 01/31/2004).~~

c. ~~Name of Insurer, Service Company, or Third Party Administrator submitting the monthly division-approved electronic Excel spreadsheet.~~

d. ~~Insurer code number, Service Company/Third Party Administrator code number submitting the monthly division-approved electronic Excel spreadsheet.~~

e. ~~Contact Name, address, including ZIP code, telephone number and e-mail address of the Insurer, Service Company or Third Party Administrator.~~

f. ~~Total number of bills that were paid, adjusted and paid, disallowed or denied for the calendar month reported.~~

g. ~~Total number of bills reported in sub-subparagraph f. above, that were paid, adjusted and paid, disallowed or denied more than 45 calendar days after the date insurer received the bill from the provider.~~

h. ~~For each of the bills that were paid, adjusted and paid, disallowed or denied more than 45 calendar days after the date insurer received the bill from provider, the following additional data elements shall be provided on the division-approved electronic Excel spreadsheet:~~

~~(I) Injured Employee Last Name;~~

~~(II) Injured Employee First Name;~~

~~(III) Injured Employee SSN;~~

~~(IV) Claims Handling Entity File Number;~~

~~(V) Date of Accident;~~

~~(VI) Date Insurer Received Bill from Provider;~~

~~(VII) Date Insurer Paid, Adjusted and Paid, Disallowed, or Denied the Bill;~~

~~(VIII) Total Dollar Amount Paid by Insurer. If disallowed or denied, \$0.00 is to be reported; and~~

~~(IX) Provider License, Pharmacist or Other Facility number as assigned by the professional regulatory board, licensing authority or state regulatory agency, whichever is applicable depending on form type that is submitted.~~

~~(i) Each Insurer, Service Company, or Third Party Administrator approved to submit the electronic Medical Summary Report, shall submit the division-approved electronic Excel spreadsheets within the required time frame under subparagraph (6)(g)1. of this rule to ssmedformat@dfs.state.fl.us.~~

(7) ~~Insurer Administrative Penalties and Administrative Fines.~~

(a) ~~Insurer administrative penalties for untimely provider-payment or disposition of medical bills. The department shall impose insurer administrative penalties for~~

failure to comply with the payment, adjustment and payment, disallowance or denial requirements pursuant to Section 440.20(6)(b), F.S. Timely performance standards for timely payments, adjustments and payments, disallowances or denials, reported on Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11 and DFS-F5-DWC-90, shall be calculated and applied on a monthly basis for each separate Form category that was received within a specific calendar month.

(b) Insurer administrative fines for failure to submit, untimely submission, filing and reporting of medical data requirements. Pursuant to Section 440.185(9), F.S., the department shall impose insurer administrative fines for failure to comply with the submission, filing or reporting requirements of this rule. Insurer administrative fines shall be:

1. Calculated on a monthly basis for each separate Form category (Forms DFS-F5-DWC-9, DFS-F5-DWC-10, DFS-F5-DWC-11, DFS-F5-DWC-90) received and accepted by the division within a specific calendar month; and
2. Imposed for each ~~failure to file, untimely filed or filed~~ rejected and not re-submitted, or rejected and re-submitted untimely medical data report according to the following schedule:
 - a. 1 – 15 calendar days late \$10.00;
 - b. 16 – 30 calendar days late \$20.00;
 - c. 31 – 45 calendar days late \$30.00;
 - d. 46 – 60 calendar days late \$40.00;
 - e. 61 – 75 calendar days late \$50.00;
 - f. 76 – 90 calendar days late \$100.00; and
 - g. 91 calendar days or greater \$2500.00.

~~(c) An Insurer that fails to submit, or who untimely submits, any division approved Medical Summary Report electronic Excel spreadsheet required in subparagraph (6)(g)1. of this rule, shall be assessed a penalty for improper filing of \$25.00 per day, not to exceed a total penalty of \$1,000.00 per improperly filed Excel spreadsheet, in addition to any administrative penalty pursuant to Section 440.20(6)(b), F.S.~~

Specific Authority 440.13(4), 440.15(3)(b),(d), 440.185(5), 440.525(2), 440.591, 440.593(5) FS. Law Implemented 440.09, 440.13(2)(a),(3),(4),(6), (11),(12),(14),(16), 440.15(3)(b),(d), 440.20(6), 440.185(5),(9), 440.593 FS. History—New 1-23-95, Formerly 38F-7.602, 4L-7.602, Amended 7-4-04,

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Annual Audited Financial Reports
RULE NO.: 69O-137.002

PURPOSE, EFFECT AND SUMMARY: This rule addresses exemptions from the requirement for an annual audited financial statement. The rule as it now stands sets out the remedies for a company whose request for such an exemption is denied by the Office of Insurance Regulation. This language addressing the remedies was objected to by the Joint Administrative Procedures Committee, as the rules of the Secretary of State set forth the applicable remedies. The rule also changes the number of the form to be used to file for this exemption, changes the names of the entities from which the form may be procured, and states it is available from the DFS web page.

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), 624.424(8)(e) FS.

LAW IMPLEMENTED: 624.307(1), 624.324, 624.424(8) FS.

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

TIME AND DATE: 9:30 a.m., July 14, 2005

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Johns, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: paul.johns@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-137.002 Annual Audited Financial Reports.

(1) through (13) No change.

(14) Exemptions and Effective Dates.

(a) Upon written application of any insurer, the Office shall grant an exemption from compliance with the filing of an annual audited financial report received by the Office by March 1 of the year following the calendar year to which the

than 3% of surplus as regards policy holders, and accounted for that contract as reinsurance and not as a deposit on either the Statutory or GAAP financial statements, that contain one or more of the following features or other features that would have similar results:

1. A contract term longer than two years when the contract is noncancellable by the reporting entity during the contract term;

2. A limited or conditional cancellation provision under which cancellation triggers an obligation by the reporting entity, or an affiliate of the reporting entity, to enter into a new reinsurance contract with the reinsurer, or an affiliate of the reinsurer;

3. Retroactive reinsurance coverage (e.g., a loss portfolio transfer);

4. Aggregate stop loss contract reinsurance coverage;

5. An unconditional or unilateral right by either party to commute the reinsurance contract;

6. The management of the reporting entity believes that there is greater than a fifty percent (>50%) probability the reporting entity will commute the treaty;

7. A provision permitting reporting of losses, or payment of losses, less frequently than on a quarterly basis (unless there is no activity during the period); or

8. Payment schedule, accumulating retentions from multiple years or any features inherently designed to delay timing of the reimbursement to the ceding entity.

(b) Identifies any reinsurance contract where it has ceded any risk where:

1. The business or risk originated by the reporting entity or its affiliates represents greater than 50% of the entire amount of business underwritten by the assuming reinsurer;

2. Twenty-five percent (25%) or more of the risks ceded in the contract have been retroceded back to the ceding reporting entity or its affiliates. This provision excludes approved pooling arrangements;

3. Contracts are accounted for differently between generally accepted accounting principles (GAAP) and statutory accounting principles (SAP).

(4) For each contract identified in section (3), the underwriting file required by section (2) must contain a financial statement presentation of the ceding insurer's balance sheet and statement of income, on the form for financial statements approved by the National Association of Insurance Commissioners, before the effects of the reinsurance contract.

(5) Form OIR-DO-XXXX is hereby adopted and incorporated by reference. The Form may be obtained from, and shall be submitted to the following: for life and health insurers, Life and Health Financial Oversight, 200 East Gaines Street, Tallahassee, Florida 32399-0327; for property and casualty insurers, Property and Casualty Financial Oversight, 200 East Gaines Street, Tallahassee, Florida 32399-0329.

Specific Authority 624.308, 624.610(14) FS. Law Implemented 624.307(1), 624.610 FS. History—New _____.

69O-144.005 Credit for Reinsurance.

(1) No change.

(2) Credit for reinsurance by a domestic insurer shall be allowed when the reinsurance is ceded to an assuming insurer which is accredited as a reinsurer in this state pursuant to Section 624.610(3)(b), Florida Statutes and Rule 69O-144.002, F.A.C., as of any date on which statutory financial statement credit for reinsurance is claimed. An accredited reinsurer pursuant to Section 624.610(3)(b), Florida Statutes:

(a)1. Files with the Office a properly executed Form OIR-DO-1464 ~~OIR-DO-1~~, which is hereby adopted and incorporated by reference, as evidence of its submission to this state's jurisdiction and to this state's authority to examine its books and records.

2. Form OIR-DO-1464 ~~OIR-DO-1~~ is available from, and shall be submitted to the following: for life and health insurers, Bureau of Life and Health Financial Oversight Insurer Solvency and Market Conduct, 200 East Gaines Street, Tallahassee, Florida 32399-0327; for property and casualty insurers, Bureau of Property and Casualty Financial Oversight Insurer Solvency and Market Conduct, 200 East Gaines Street, Tallahassee, Florida 32399-0329;

(b) through (c) No change.

(3)(a) No credit for reinsurance shall be allowed a domestic ceding insurer:

1. through 2. No change.

3. If the domestic ceding insurer has not complied with the requirements of Rule 69O-144.003, F.A.C. – Disclosures.

(b) No change.

(4) through (7) No change.

Specific Authority 624.308, 624.610(14) FS. Law Implemented 624.307(1), 624.610 FS. History—New 1-30-91, Formerly 4-108.005, Amended 12-25-97, 10-13-02, Formerly 4-144-005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Claude Mueller, Director, Property and Casualty Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Office of Insurance Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

**FINANCIAL SERVICES COMMISSION
Office of Insurance Regulation**

RULE TITLE: Premium Schedule Applicable to "Truth in Lending" and Other Endorsements
RULE NO.: 69O-186.005

PURPOSE, EFFECT AND SUMMARY: The purpose is to clarify the reference to a master list of approved endorsements may only be issued in conjunction with a mortgage title insurance policy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 627.777, 627.782 FS.

LAW IMPLEMENTED: 624.307(1), 627.777, 627.782, 697.04(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: 9:30 a.m., July 13, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Peter Rice, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: peter.rice@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-186.005 Premium Schedule Applicable to "Truth in Lending" and Other Endorsements.

(1) through (7)(d) No change.

(e) Specific endorsements may be issued by reference to a master list of approved endorsements and have the same validity as if issued individually on each transaction so long as the language in the endorsement specifically conforms without any additions or deletions to the endorsement language as set forth in this section. Any such master list of approved endorsements shall only be issued in conjunction with a mortgage title insurance policy.

(8)(a) through (f) No change.

(g) Contiguity Endorsement - The Contiguity Endorsement (Florida) shall conform to the following endorsement language:

"1. The Company insures the Insured herein against loss or damage by virtue of any inaccuracy in the following statement, to wit: Parcel ___ of the legal description and Parcel ___ of the legal description are contiguous to each other along the ___ line of Parcel ___ + and ___ line of Parcel ___ 2, and, taken as a tract, constitute one Parcel of land.

2. No change.

(h) through (l) No change.

(9) through (16) No change.

Specific Authority 624.308, 627.777, 627.782 FS. Law Implemented 624.307(1), 627.777, 627.782, 697.04(1) FS. History--New 9-17-71, Repromulgated 12-24-74, Formerly 4-21.05, Amended 6-25-86, 2-26-90, 2-27-91, Formerly 4-21.005, Amended 2-13-95, Formerly 4-186.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peter Rice, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Koon, Property and Casualty Product Review, Office of Insurance Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 8, 2005

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facilities and Agency Licensing

RULE NOS.:

59A-8.0086

59A-8.0245

RULE TITLES:

Denial, Suspension, Revocation of License and Imposition of Fines

Advance Directives

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules 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 made because the Agency's Acting General Counsel determined that the Agency does not have legal authority to enforce the proposed rule provisions below.

The changes are as follows:

59A-8.0086

~~(5) A fine of \$2,500 shall be assessed against providers determined by AHCA to be operating without a valid license that fail to cease operating until licensed by AHCA as required in section 400.474, F.S.~~

59A-8.0245

(2) The home health agency’s policy shall include:

(a) Providing each adult patient, in advance of receiving services, with a copy of “Health Care Advance Directives – The Patients’ Right to Decide”, as prepared by the Agency for Health Care Administration, revised February, 2004 and available at http://www.fdhc.state.fl.us/MCHQ/Health_Facility_Regulation/HC_Advance_Directives, which is hereby incorporated by reference, or with a copy of a document drafted by a person or organization other than AHCA which is a written description of Florida’s state law regarding advance directives;

(b) Providing each adult patient, in advance of receiving services, with written information concerning the home health agency’s policies respecting advance directives; and

(c) The requirement that documentation of whether or not the patient has executed an advance directive shall be contained in the patient’s medical record and not kept solely at another location in the agency. If an advanced directive has been executed, a copy of that document shall be made a part of the patient’s medical record ~~and a copy shall be kept in the patient’s home~~. If the home health agency does not receive a copy of the advanced directive for a patient, the agency must document that it has requested a copy in the patient’s record.

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 BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-32.001	Issuance of Citations
61-32.003	Guidelines for Issuing Citations for Unlicensed Practice of a Profession

NOTICE OF CHANGE

In response to comments of the Joint Administrative Procedures Committee, the Department has made the following changes to the language of the proposed rule published in Vol. 31, No. 17, April 29, 2005 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gail Scott-Hill, Assistant General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULES IS:

61-32.001 Issuance of Citations.

(1) No change.

(2) Citations shall be issued by the Division of Regulation in accordance with the following procedures:

(a) In lieu of an administrative complaint, Citations may be issued upon the initiative of the department may issue a citation based upon a based upon a citatable violation of Chapter 455, Florida Statutes, or the applicable practice act, which has been designated by rule or statute as an offense for which a citation may be issued. The Department may also issue a citation following receipt and investigation of a completed Citations may also be issued in response to receipt of a completed DBPR Uniform Complaint Form (UCF) Form DBPR/REG 001, incorporated herein by reference and effective 7/93, This form can be obtained by writing the Department of Business and Professional Regulation, Division of Regulation, Office of Central Complaints, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0782.

(b) The citation shall be served on the subject by personal service or by U.S. Mail, certified with return receipt, and if initiated by a consumer complaint, the complainant shall be notified by letter that a complaint has been opened.

(c) Citations shall be issued to the subject and shall contain the subject’s name and address, the subject’s license number if licensed, a brief factual statement, the sections of the law allegedly violated, and the penalty imposed. The citation must clearly state that the subject may choose, in lieu of accepting the citation, to follow the procedure set forth in Florida Statutes, § 455.225.

(3) No change.

(4) Once a citation has become a Final Order, it shall be filed in accordance with procedures established for the filing of final orders by board rule or department rule, whichever is appropriate.

(a) Citations which have become final orders shall be closed under the computer code “R 32”.

(5) through (6) No change.

Specific Authority 455.201, 455.203(5), 455.224, 455.228 FS. Law Implemented 455.224, 455.228 FS. History—New 1-6-92, Formerly 21-32.001, Amended 6-19-95,_____.

61-32.003 Guidelines for Issuing Citations for Unlicensed Practice of a Profession.

(1) Citations imposing a designated fine may be issued to persons unlicensed by the Department for the violations listed below, under the following conditions: (a) There has been no prior citation, final order, or Notice and Order to Cease and Desist issued to the subject; and (b), there is no evidence of consumer harm in the current case; and (c), the subject has not previously held a license to practice the activity at issue.

(2) The Department may issue citations in lieu of administrative complaints ~~Citations may be issued~~ for the following unlicensed activities and impose the following penalties:

(a) Advertising or otherwise holding ones self out as available to practice a profession, provide a service, or engage in an activity that requires licensure by the department. CITATION PENALTY: A fine of \$1000 and costs of the investigation.

(b) Contracting to perform or performing a service, or offering a bid to engage or engaging in a practice, that requires licensure by the department. CITATION PENALTY: A fine of \$2500, and costs of investigation.

(3) All citations issued under this part shall be accompanied by a Notice and Order to Cease and Desist, as provided by § 455.228(1), F.S.

(4) Citations for unlicensed practice of a profession shall be either hand-served or served by certified mail and shall include the following information:

(a) Subject’s full name, age and date of birth.

(b) Subject’s driver’s license number, or any other identifying information.

(c) Subject’s current residence address.

(d) A brief factual statement of the activity engaged in, the provision of law requiring licensure, and the penalty imposed.

(e) A statement that, in lieu of the citation, the subject may choose the administrative procedures in § 455.225, F.S.

Specific Authority 455.228(3)(a) FS. Law Implemented 455.224, 455.228 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 Dentistry

RULE NO.:
64B5-4.002

RULE TITLE:
Advertising and Soliciting by
Dentists

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 21, May 27, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE NO.:
64B11-4.005

RULE TITLE:
Citations

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. 4, of the January 28, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on May 16, 2005, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

64B11-4.005(4)(d) shall read: “First time failure to complete required continuing education hours, which includes but is not limited to required HIV/AIDS or end of life/palliative health care, during the biennial licensure period. The fine shall be \$50.00 per hour for each hour of deficiency, up to a maximum fine of \$1000.00. In addition, licensees shall, make up the deficient continuing education and take one additional hour of continuing education for each of the continuing education deficiencies, which shall not count towards meeting the continuing education renewal requirements for the next biennium. All such made up continuing education hours and additional continuing education hours shall be completed and documentation of same shall be provided to the department within 90 days of the date the citation is filed.”

64B11-4.005(4)(e) shall read: “Failure to timely respond to a continuing education audit/pre-audit request as required by subsection 64B11-5.001(7) F.A.C., for which the Board shall impose a penalty of \$50.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

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

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. 10, of the March 11, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on May 16, 2005, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

64B11-5.003(1)(b) shall read: “unless exempted by subsection 64B11-5.001(8), F.A.C., completed 26 hours of approved continuing education for each full biennium in which the license was in an inactive status and for the last biennium in which the licensee held an active status license.”

64B11-5.003(1)(c) in the second sentence, take out the phrase “13 total yearly or”

64B11-5.003(2) shall read: “A Licensee may perform no more than twelve (12) hours of continuing education as home study education for each full biennium in which the licensee was in an inactive status and for the last biennium in which the licensee held an active status license.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER NO.: 64F-11
 RULE CHAPTER TITLE: Volunteer Health Care Provider Program

RULE NOS.: 64F-11.001, 64F-11.002, 64F-11.003, 64F-11.004, 64F-11.005, 64F-11.006, 64F-11.009
 RULE TITLES: Definitions, Client Eligibility, Patient Selection and Referral, Volunteer Provider Eligibility, Contract Requirements, Covered Services, Annual Report

NOTICE OF CORRECTION

The above-proposed rules published in the May 6, 2005 issue of the Florida Administrative Weekly, Vol. 31, No. 18, stated the date notice of proposed rule development was published in the FAW was on “March 15, 2005”. The date notice of proposed rule development was published in the FAW should have read “February 25, 2005”.

The forgoing correction does not affect the substance of the rule.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Mark Lundberg, Director Volunteer Health Service Program, 4052 Bald Cypress Way, Bin #C23, Tallahassee, FL 32399-1743

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Contract
 RULE NO.: 19ER05-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The 2005 Legislature passed CS/ for SB 1486 and the Governor signed the bill on June 1, 2005. This legislation affects the Reimbursement Contract and specifically impacts retentions outlined in the Contract. The Contract must contain the new changes to the law before a hurricane necessitates the implementation of the new statutory provisions. The hurricane season begins on June 1, 2005; therefore emergency rulemaking is necessary.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Prior to the passage of the law, the Florida Hurricane Catastrophe Fund Advisory Council discussed the issue in a public meeting and the FHCF placed a notice in the FAW stating that it intended to seek permission to file emergency rules at the meeting of the Trustees of the State Board of Administration of Florida (SBA) on June 1, 2005. The Advisory Council meeting and the meeting of the Trustees were noticed and open to the public. In addition, the proposed emergency rule and the incorporated form was placed on the FHCF website.

SUMMARY OF THE RULE: Rule 19ER05-1, is titled “Reimbursement Contract”. Subsection (11) of this rule incorporates the reimbursement contract for the 2005-2006 contract year. This paragraph has been amended to show that the Reimbursement Contract has been amended.

Article V(28) of the Reimbursement Contract has been rewritten to reflect the retention changes made by CS/SB 1486. References to this new language in Article V(28) of the Reimbursement Contract have been added to Articles IV(1)

and V(30) of the Reimbursement Contract. Article X of the Reimbursement Contract has been added to address the implementation of the retention changes made by CS/SB 1486. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER05-1 (19-8.010) Reimbursement Contract.

(1) The reimbursement contract for the 1995-1996 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1995K – “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 7/95, is hereby adopted and incorporated by reference into this Rule.

(2) The reimbursement contract for the 1996-1997 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1996K – “Reimbursement Agreement (“Agreement”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/96, is hereby adopted and incorporated by reference into this Rule.

(3) The reimbursement contract for the 1997-1998 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1997K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/97, is hereby adopted and incorporated by reference into this Rule.

(4) The reimbursement contract for the 1998-1999 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1998K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“Fund”), rev. 5/98, is hereby adopted and incorporated by reference into this Rule.

(5) The reimbursement contract for the 1999-2000 contract year required by Section 215.555(4), F.S., which is called Form FHCF-1999K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC#() and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 5/99, is hereby

adopted and incorporated by reference into this Rule. Addendum No. 1 to the 1999-2000 reimbursement contract, which is called Form FHCF-1999K-1, – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 8/99, is hereby adopted and incorporated by reference into this Rule.

(6) The reimbursement contract for the 2000-2001 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2000K – “Reimbursement Contract (“Contract”) between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) Which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), rev. 5/00, is hereby adopted and incorporated by reference into this Rule.

(7) The reimbursement contract for the 2001-2002 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2001K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule.

(8) The amended reimbursement contract for the 2002-2003 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2002K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2002 through May 31, 2003.

(9) The reimbursement contract for the 2003-2004 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2003K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2003 through May 31, 2004.

(10) The amended reimbursement contract for the 2004-2005 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2004K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2004 through May 31, 2005.

(11) The reimbursement contract for the 2005-2006 contract year required by Section 215.555(4), F.S., which is called Form FHCF-2005K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC # () and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2005 through May 31, 2006. Addendum No. 1 to the 2005-2006 Reimbursement Contract, which is called Form FHCF-2005K-1, “Reimbursement Contract (Contract) between (name of insurer) (the Company)/NAIC # () and the State Board of Administration of the State of Florida (SBA) which Administers the Florida Hurricane Catastrophe Fund (FHCF)”, rev. 6/05, is hereby adopted and incorporated by reference into this Rule.

(12) Copies of the reimbursement contract may be obtained from the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1346.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 6-1-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE IS: June 1, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 598, FAST 5’s
RULE NO.: 53ER05-48
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 598, “FAST 5’s,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-48 Instant Game Number 598, FAST 5’s.

(1) Name of Game. Instant Game Number 598, “FAST 5’s.”

(2) Price. FAST 5’s lottery tickets sell for \$1.00 per ticket.

(3) FAST 5’s lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex

area on the ticket. To be a valid winning FAST 5’s lottery ticket, the ticket must meet the requirements of subsection 53ER05-27(11), F.A.C. In the event a dispute arises as to the validity of any FAST 5’s lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN		

(5) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
TICKET	ONE	TWO	FOUR	FIVE	TEN
\$20.00	\$100	\$2,500			
THIRTY	ONE HUN	THY FIV HUN			

(6) The legends are as follows:

PLAY AREA

(7) Determination of Prizewinners. A ticket having a “5” symbol in the play area shall entitle the claimant to the corresponding prize shown for that symbol. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$100 and \$2,500. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a FAST 5’s lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket. Players may win more than one time on a FAST 5’s lottery ticket.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 598 are as follows:

GAME PLAY:	WIN:	ODDS OF	NUMBER OF
TICKET	\$1 TICKET	1 IN:	WINNERS IN
			56 POOLS OF
			180,000 TICKETS
			PER POOL:
\$1	\$1	9.38	1,075,200
\$2	\$2	50.00	201,600
\$1 x 5	\$5	100.00	100,800
\$5	\$5	300.00	33,600
\$2 x 5	\$10	300.00	33,600
\$5 x 3	\$15	300.00	33,600
\$4 x 5	\$20	300.00	33,600
\$20	\$20	300.00	33,600
\$5 x 5	\$25	300.00	33,600
\$10 x 5	\$50	15,000.00	672
\$20 x 5	\$100	90,000.00	112
\$100 x 5	\$500	336,000.00	30
\$2,500	\$2,500	840,000.00	12

(9) The estimated overall odds of winning some prize in Instant Game Number 598 are 1 in 3.89. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 598, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a FAST 5's lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(12) Payment of prizes for FAST 5's lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 6-3-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 3, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 586, ROYAL 7'S
 RULE NO.: 53ER05-49

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 586, "ROYAL 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-49 Instant Game Number 586, ROYAL 7'S.

(1) Name of Game. Instant Game Number 586, "ROYAL 7'S."

(2) Price. ROYAL 7'S lottery tickets sell for \$5.00 per ticket.

(3) ROYAL 7'S lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning ROYAL 7'S lottery ticket, the ticket must meet the requirements of subsection 53ER05-27(11), F.A.C. In the event a dispute arises

as to the validity of any ROYAL 7'S lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) Design of Ticket. There are seven games on each ROYAL 7'S lottery ticket.

(5) The play symbols and play symbol captions in Game 1 are as follows:

\$1.00	\$2.00	\$5.00	\$20.00
ONE	TWO	FIVE	TWENTY
	\$100	\$200	
	ONE HUN	TWO HUN	
	\$5,000		
	FIVE THO		

(6) The symbols in Game 2 are:

(a) The "YOURS" play symbols and play symbol captions are as follows:

2	3	4	5	6	7
TWO	THREE	FOUR	FIVE	SIX	SEVEN
		8	9		
		EIGHT	NINE		

(b) The "THEIRS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
		7	8		
		SEVEN	EIGHT		

(c) The prize symbols and prize symbol captions are as follows:

\$1.00	\$2.00	\$4.00	\$5.00	\$10.00
ONE	TWO	FOUR	FIVE	TEN
		\$25.00		
		THY FIVE		
\$200	\$500	\$1,000		
TWO HUN	FIVE HUN	ONE THO		

(7) The symbols in Game 3 are:

(a) The play symbols and play symbol captions are as follows:

1	2	3	4	5	6
ONE	TWO	THREE	FOUR	FIVE	SIX
	7	8	9		
	SVN	EIGHT	NINE		

(b) The prize symbols and prize symbol captions are as follows:

\$1.00 **\$2.00** **\$5.00** **\$10.00** **\$20.00**
 ONE TWO FIVE TEN TWENTY
\$25.00
 THY FIVE
\$200 **\$250** **\$1,000** **\$10,000**
 TWO HUN THOHUNFTY ONE THO TEN THO

(8) The symbols in Game 4 are:

(a) The play symbols and play symbol captions are as follows:

1 **2** **3** **4** **5** **6**
 ONE TWO THREE FOUR FIVE SIX
7 **8** **9**
 SVN EIGHT NINE

(b) The prize symbols and prize symbol captions are as follows:

\$1.00 **\$2.00** **\$5.00** **\$10.00**
 ONE TWO FIVE TEN
\$75.00 **\$100**
 SVY FIV ONE HUN
\$200 **\$5,000** **\$70,000**
 TWO HUN FIVE THO SVY THO

(9) The symbols in Game 5 are:

(a) The play symbols and play symbol captions are as follows:

     
 PTGD GOLD PIPE STAR CHY DMD

 MONEY

(b) The prize symbols and prize symbol captions are as follows:

\$1.00 **\$2.00** **\$5.00** **\$10.00** **\$20.00**
 ONE TWO FIVE TEN TWENTY
\$25.00
 THY FIVE
\$100 **\$500** **\$1,000**
 ONE HUN FIVE HUN ONE THO

(10) The symbols in Game 6 are:

(a) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

1 **2** **3** **4** **5** **6**
 ONE TWO THREE FOUR FIVE SIX
7 **8** **9** **10** **11** **12**
 SEVEN EIGHT NINE TEN ELEVN TWELV
13 **14** **15** **16** **17** **18** **19**
 THRTN FORTN FIFTN SIXTN SVNTN EGHNTN NINTN

(b) The “LUCKY NUMBER” play symbols and play symbol captions are as follows:

1 **2** **3** **4** **5** **6**
 ONE TWO THREE FOUR FIVE SIX
7 **8** **9** **10** **11** **12**
 SEVEN EIGHT NINE TEN ELEVN TWELV
13 **14** **15** **16** **17** **18** **19**
 THRTN FORTN FIFTN SIXTN SVNTN EGHNTN NINTN

(c) The prize symbols and prize symbol captions are as follows:

\$1.00 **\$2.00** **\$5.00** **\$10.00**
 ONE TWO FIVE TEN
\$25.00 **\$50.00**
 THY FIVE FIFTY
\$100 **\$150** **\$1,000**
 ONE HUN ONEHUNFTY ONE THO

(11) The play symbols and play symbol captions in Game 7 are as follows:

   
 SHOE CLVR BONE MOON

 WIN

(12) The legends for ROYAL 7’S lottery tickets are as follows:

YOUR NUMBERS LUCKY NUMBER PRIZE YOURS THEIRS ROY 1 ROY 2

(13) Determination of Prizewinners. Each of the seven games in Instant Game Number 586, ROYAL 7’S, uses a different play methodology. Players may win in one or more games. The determination of prizewinners for each game is as follows.

(a) GAME 1. A ticket having three like amounts in the play area shall entitle the claimant to the prize shown. The prize amounts for Game 1 are: \$1.00, \$2.00, \$5.00, \$20.00, \$100, \$200 and \$5,000.

(b) GAME 2. A ticket that shows “YOUR NUMBER” beating “THEIR NUMBER” within a row entitles the claimant to the prize shown in that row. The prize amounts for Game 2 are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$200, \$500 and \$1,000.

(c) GAME 3. A ticket having three “7” symbols in any one row, column or diagonal shall entitle the claimant to the prize shown. The prize amounts for Game 3 are: \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$200, \$250, \$1,000 and \$10,000.

(d) GAME 4. A ticket having two “7” symbols within Game 4 shall entitle the claimant to the prize shown. The prize amounts for Game 4 are: \$1.00, \$2.00, \$5.00, \$10.00, \$75.00, \$100, \$200, \$5,000 and \$70,000.

(e) GAME 5. A ticket having three like symbols in the play area shall entitle the claimant to the prize shown. The prize amounts for Game 5 are: \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$100, \$500 and \$1,000.

(f) GAME 6. A ticket having a number in the “YOUR NUMBERS” play area that matches the number in the “LUCKY NUMBER” play area shall entitle the claimant to the corresponding prize shown for that number. The prize amounts for Game 6 are as follows: \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$150, \$1,000.



(g) GAME 7. A ticket having a “WIN” symbol in the play area shall entitle the claimant to a prize of \$50.

(14) The estimated odds of winning, value, and number of prizes in Instant Game Number 586 are as follows:

(15) The estimated overall odds of winning some prize in Instant Game Number 586 are 1 in 3.56. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(16) For reorders of Instant Game Number 586, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(17) By purchasing a ROYAL 7’S lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(18) Payment of prizes for ROYAL 7’S lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 6-7-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: June 7, 2005

GAME PLAY:	WIN:	ODDS OF 1 IN:	NUMBER OF WINNERS IN 34 POOLS OF 120,000 TICKETS PER POOL:
G6: \$1 x 5	\$5	30.00	136,000
G1: \$1 + G2: \$2 + G3: \$2	\$5	30.00	136,000
G1: \$1 + G2: \$2 x 2	\$5	30.00	136,000
G1: \$5	\$5	30.00	136,000
G2: \$1 x 2 + G5: \$2 + G6: \$1 x 6	\$10	30.00	136,000
G1: \$2 + G2: \$4 x 2	\$10	60.00	68,000
G4: \$5 + G5: \$5	\$10	60.00	68,000
G3: \$5 + G5: \$2 + G6: \$1 x 3	\$10	120.00	34,000
G2: \$10	\$10	120.00	34,000
G3: \$5 + G4: \$10	\$15	120.00	34,000
G1: \$2 + G2: \$1 x 2 + G3: \$2 +			
G4: \$2 + G5: \$1 + G6: \$1 x 6	\$15	120.00	34,000
G1: \$5 + G3: \$5 + G6: \$1 x 5	\$15	60.00	68,000
G1: \$5 + G2: \$1 x 2 + G3: \$5 +			
G4: \$5 + G5: \$5 + G6: \$1 x 3	\$25	400.00	10,200
G1: \$5 + G5: \$20	\$25	240.00	17,000
G2: \$10 x 2 + G6: \$1 x 5	\$25	400.00	10,200
G2: \$5 x 2 + G3: \$5 + G4: \$10	\$25	300.00	13,600
G1: \$5 + G2: \$5 x 2 + G5: \$10	\$25	400.00	10,200
G3: \$25	\$25	600.00	6,800
G7: \$50 (CROWN)	\$50	120.00	34,000
G4: \$5 + G5: \$5 + G6: \$5 x 3 +			
G7: \$50 (CROWN)	\$75	800.00	5,100
G1: \$5 + G2: \$2 x 2 + G3: \$2 +			
G4: \$1 + G5: \$1 + G6: \$2 x 6 +			
G7: \$50 (CROWN)	\$75	2,400.00	1,700
G3: \$10 + G4: \$10 + G5: \$5 + G7:			
\$50 (CROWN)	\$75	923.08	4,420
G3: \$25 + G7: \$50 (CROWN)	\$75	1,000.00	4,080
G4: \$75	\$75	2,400.00	1,700
G1: \$20 + G3: \$20 + G6: \$10 x 6	\$100	3,000.00	1,360
G1: \$5 + G2: \$2 x 2 + G3: \$1 +			
G4: \$5 + G5: \$5 + G6: \$5 x 6 +			
G7: \$50 (CROWN)	\$100	2,000.00	2,040
G2: \$25 x 2 + G5: \$25 + G6: \$5 x 5	\$100	6,000.00	680
G2: \$25 x 2 + G7: \$50 (CROWN)	\$100	2,400.00	1,700
G5: \$100	\$100	6,000.00	680
G1: \$100 + G2: \$5 x 2 + G3: \$20			
+ G4: \$10 + G5: \$10 + G6: \$50 x			
6 + G7: \$50 (CROWN)	\$500	60,000.00	68
G1: \$100 + G4: \$100 + G5: \$100			
+ G6: \$150 + G7: \$50 (CROWN)	\$500	60,000.00	68
G5: \$500	\$500	60,000.00	68
G1: \$200 + G3: \$250 + G4: \$200			
+ G6: \$50 x 6 + G7: \$50	\$1,000	340,000.00	12
(CROWN)			
G1: \$200 + G2: \$200 + G3: \$200			
G4: \$200 + G6: (\$25 x 2) + (\$50 x 3)	\$1,000	340,000.00	12
G5: \$500 + G6: \$50 + (\$100 x 4) +			
G7: \$50 (CROWN)	\$1,000	340,000.00	12
G2: \$500 x 2	\$1,000	408,000.00	10
G6: \$1,000	\$1,000	408,000.00	10
G2: \$1,000 x 2 + G3: \$1,000 + G5:			
\$1,000 + G6: \$1,000 x 6	\$10,000	1,020,000.00	4
G1: \$5,000 + G4: \$5,000	\$10,000	1,360,000.00	3
G3: \$10,000	\$10,000	1,360,000.00	3
G4: \$70,000	\$70,000	2,040,000.00	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.”

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

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

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 26, 2005, South Florida Water Management District (District) received request for Withdrawal of Petition for Waiver from David Nutter-BK Marine Construction on behalf of Chris Conway, Application No. 05-0426-1, for utilization of Works or Lands of the District known as the Hillsboro Canal, Section 36, Township 47S, Range 42E, Palm Beach County. Notice of receipt of petition requesting waiver was published in the Florida Administrative Weekly, Vol. 31, No. 19, on May 13, 2005. No public comment was received. A copy of the withdrawal request may be obtained from Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or e-mail at kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on May 26, 2005, South Florida Water Management District (District) received a petition for waiver from David Nutter-BK Marine Construction on behalf of Chris Conway, Application No. 05-0426-1 for utilization of Works or Lands of the District known as the Hillsboro Canal, Palm Beach County, requesting authorization to modify an existing dock with lift and to allow existing trees, hedges fences, landscape rocks, children's playset and gazebo to remain within the north right of way of the Hillsboro Canal, Section 36, Township 47S, Range 42E. The petition seeks relief from subsections 40E-6.011 (4) and (6), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent structures within 40 feet of the top of the canal bank within Works and Lands of the District. A copy of the petition may be obtained from Kathie Ruff at (561)682-6320 or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION**

NOTICE IS HEREBY GIVEN that on May 24, 2005, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), F.A.C., from Rosen Shingle Creek located in Orlando. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C. Petitioner is requesting a variance to install three (3) handwash sinks at the buffet plating tables that will use alternative methods for sewage disposal.

On June 3, 2005, the variance was approved and is contingent upon Petitioner using two-five gallon or greater potable water tanks at each portable handwash sink and utilizing wastewater holding tanks that are at least 15% larger than the potable water holding tanks separately. Water and wastewater holding tanks are to be emptied a minimum of four times a day in an approved mop sink/curbed sink as to not create a sanitary nuisance. The wastewater tanks are to have a visual and/or audible alarm system to notify employees when the wastewater tanks are full. Petitioner must adhere strictly to the following operating procedures: supply for potable water tank must be from an approved source with written documentation provided; sanitize the fresh water tanks at least once every 24 hours; sanitize the wastewater holding tanks by pouring 1/4 cup of bleach or other approved sanitizer in the sink drain. Handwashing procedures are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code Section 2-301.14. If the Petitioner's establishment is remodeled, a new plan review is required and permanent handwash sinks will be required to be installed. Any violation of the variance, including engaging in food preparation without all portable hand wash sinks operational and in place as indicated on the plans, is the equivalent of a violation of the rule and may result in a recession of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Sec. 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on May 10, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Betsy Lou's Catering located in Naples. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on May 24, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Lo Mejor De Jovita, Inc. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

On June 3, 2005 the variance was approved and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly- according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code section 3-501.16. All warewashing is to be conducted at the commissary, the warewashing sinks shall not be used for warewashing, but shall be converted for handwashing use only. There shall be an adequate supply of utensils in the event utensils become contaminated and strict adherence to employee health guidelines as specified in the 2001 FDA Food Code section 2-201 are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must also adhere strictly to the following operating procedures: Supply for potable water tank must be from an approved source with written documentation provided; sanitize the fresh water tank at least once every 24 hours; sanitize the wastewater holding tank by pouring 1/4 cup of bleach or other approved sanitizer in the sink drain. Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Sec. 509.261, Florida Statutes.

The Construction Industry Licensing Board hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed by Frank Silva, seeking a waiver or variance from Rule 61G4-15.004, F.A.C., with regard to licensure by endorsement. The Petition was filed on February 28, 2005, and the Notice was published in Vol. 31, No. 11, of the March 18, 2005, Florida Administrative Weekly. The Board considered the Petition at its meeting held on April 15, 2005, and the Board voted to deny the Petition for the following reason: the Petitioner failed to demonstrate that the purpose of the underlying statute has been met. The Board's Order denying the Petition was filed on May 6, 2005. A copy of the Board's Order may be obtained by contacting the Construction Industry Licensing Board, 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

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on April 1, 2005, by Allen R. Grossman, Esquire, on behalf of Leandro Britto, D.D.S. The Notice was published in Volume 31, No. 16, of the April 22, 2005, Florida Administrative Weekly. The Petitioner sought a variance/waiver with regard to the requirement to successfully complete remediation to the level of a graduating senior and obtain a letter from the Dean of the dental school as provided under subsection 64B5-2.0146(2), F.A.C., entitled Licensure Requirements for Applicants from Non-Accredited Schools or Colleges. The Board considered the Petition at its meeting held on May 6, 2005, in Tallahassee, Florida. The Board's Order, filed on May 25, 2005, grants the Petition for waiver of subsection 64B5-2.0146(2), F.A.C., finding the Petitioner demonstrated that the purpose of the underlying statute was met.

A copy of the Board's Order may be obtained from Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on March 28, 2005, by Edwin A. Bayo, Esquire, on behalf of Guillermo E. Chacon. The Notice was published in Vol. 31, No. 16, of the April 22, 2005, Florida Administrative Weekly. The Petitioner sought a variance/waiver with regard to the requirement to successfully complete remediation to the level of a graduating senior and obtain a letter from the Dean of the

dental school as provided under subsection 64B5-2.0146(2), F.A.C., entitled Licensure Requirements for Applicants from Non-Accredited Schools or Colleges. The Board considered the Petition at its meeting held on May 6, 2005, in Tallahassee, Florida. The Board's Order, filed on May 25, 2005, grants the Petition for waiver of subsection 64B5-2.0146(2), F.A.C., finding the Petitioner demonstrated that the purpose of the underlying statute was met.

A copy of the Board's Order may be obtained from Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on February 18, 2005, by Allen R. Grossman, Esquire, on behalf of Maria Gabriella d'Empaire, D.D.S. The Notice was published in Vol. 31, No. 14, of the April 8, 2005, Florida Administrative Weekly. The Petitioner sought a variance/waiver with regard to the requirement to successfully complete remediation to the level of a graduating senior and obtain a letter from the Dean of the dental school as provided under subsection 64B5-2.0146(2), F.A.C., entitled Licensure Requirements for Applicants from Non-Accredited Schools or Colleges. The Board considered the Petition at its meeting held on May 6, 2005, in Tallahassee, Florida. The Board's Order, filed on May 25, 2005, grants the Petition for waiver of subsection 64B5-2.0146(2), F.A.C., finding the Petitioner demonstrated that the purpose of the underlying statute was met.

A copy of the Board's Order may be obtained from Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on March 28, 2005, by Edwin A. Bayo, Esquire, on behalf of Walter J. Simbaco, D.D.S. The Notice was published in Vol. 31, No. 16, of the April 22, 2005, Florida Administrative Weekly. The Petitioner sought a variance/waiver with regard to the requirement to successfully complete remediation to the level of a graduating senior and obtain a letter from the Dean of the dental school as provided under subsection 64B5-2.0146(2), F.A.C., entitled Licensure Requirements for Applicants from Non-Accredited Schools or Colleges. The Board considered the Petition at its meeting held on May 6, 2005, in Tallahassee, Florida. The Board's Order, filed on May 25, 2005, grants the Petition for waiver of subsection 64B5-2.0146(2), F.A.C., finding the Petitioner demonstrated that the principles of fairness would have been violated by the inability to obtain documents, and that the purpose of the underlying statute was met.

A copy of the Board's Order may be obtained from Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

The Board of Dentistry hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on April 1, 2005, by Edwin A. Bayo, Esquire, on behalf of Joaquin Zagarra, D.D.S. The Notice was published in Vol. 31, No. 16, of the April 22, 2005, Florida Administrative Weekly. The Petitioner sought a variance/waiver with regard to requirements to pass the clinical examination for the purpose of a teaching permit, and to obtain additional education after three examination attempts, as provided under Rule 64B5-7.005, F.A.C., entitled Teaching Permits, and Rule 64B5-2.021, F.A.C., entitled Additional Education Requirements for Reexamination. The Board considered the Petition at its meeting held on May 6, 2005, in Tallahassee, Florida. The Board's Order, filed on May 25, 2005, grants the Petition for waiver of Rules 64B5-7.005 and 64B5-2.021, F.A.C., finding the Petitioner demonstrated a substantial hardship, and that the purpose of the underlying statute was met.

A copy of the Board's Order may be obtained from Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN that the Department of Health filed an Order disposing of a petition for variance from subsection 64B21-500.005(2), F.A.C., filed by Alicia M. Scott, Ph.D. subsection 64B21-500.005(2), F.A.C., requires that an applicant for licensure as a school psychologist must attain a minimum of 1 1/2 contact hours per week of supervision during 2 years of supervised experience. The petition was filed with the Board on April 18, 2005, and noticed in the Florida Administrative Weekly on April 29, 2005. No public comments were received,

The Order, which was filed on June 6, 2005, provides in summary, that Petitioner is well qualified for a license and should be granted a variance under principles of fairness. Accordingly, the petition for variance from subsection 64B21-500.005(2), Florida Administrative Code, has been granted.

A copy of the Order may be obtained from: Paula Jones, Program Operations Administrator, Department of Health, Division of Medical Quality Assurance, Bin #C05, 4052 Bald Cypress Way, Tallahassee, FL 32399-3251, (850)245-4375.

Section VI Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold telephone conference calls to which all persons are invited.

COMMITTEE: NACW Committee

DATE AND TIME: June 28, 2005, 10:00 a.m.

COMMITTEE: FCSW Foundation Committee

DATE AND TIME: June 30, 2005, 11:00 a.m.

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

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

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATE AND TIME: Thursday, June 30, 2005, 10:00 a.m.

PLACE: Office of the Florida Elections Commission, 107 W. Gaines Street, Suite 224, 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 **Honey Bee Technical Council Members** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 29, 2005, 10:30 a.m. – 3:30 p.m.

PLACE: Doyle Conner Building Auditorium, 1911 South West 34 Street, Gainesville, Florida 32614, (352) 372-3505

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items: 1. Welcoming and Opening Remarks.; 2. Roll Call; 3. Review and Approve Minutes of the January Meeting; 4. Proposals for Property Available to Florida Beekeepers; 5. Research Funding Review; 6. Lunch On Your Own; 7. Review Current and On-Going Research; 8. Methods and Biological Development Report; 9. Apiary Research Specialist Report; 10. Africanized Honey Bee; 11. Open Discussion; 12. Adjourn.

A copy of the complete agenda may be obtained by contacting: Mr. Jerry Hayes, Division of Plant Industry, P. O. Box 147000, Gainesville, Florida 32614-7100, (352)372-3505, if you have any questions.

The Florida **Department of Agriculture and Consumer Services** announces a teleconference of the Florida Peanut Advisory Council:

DATE AND TIME Thursday, June 23, 2005, 4:00 p.m. (EDT)

PLACE: Teleconference Call (850)487-8540

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – The purpose of this meeting is to conduct the general business of the Florida Peanut Advisory Council.

For additional information or if you need special accommodations, call: Les Harrison, (850)488-9948.

DEPARTMENT OF EDUCATION

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel; all persons are invited.

Teacher Hearing Panel

DATE AND TIME: June 27, 2005, 9:00 a.m.

PLACE: Homewood Suites Hotel, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 711.

A public hearing on the proposed update of the **FAMU Campus Master Plan**, Plan Amendment shall be held as follows:

DATES AND TIME: Wednesday, June 22, 2005, 6:00 p.m. (informal information session); Thursday, June 23, 2005, 6:00 p.m. (Public Hearing #1)

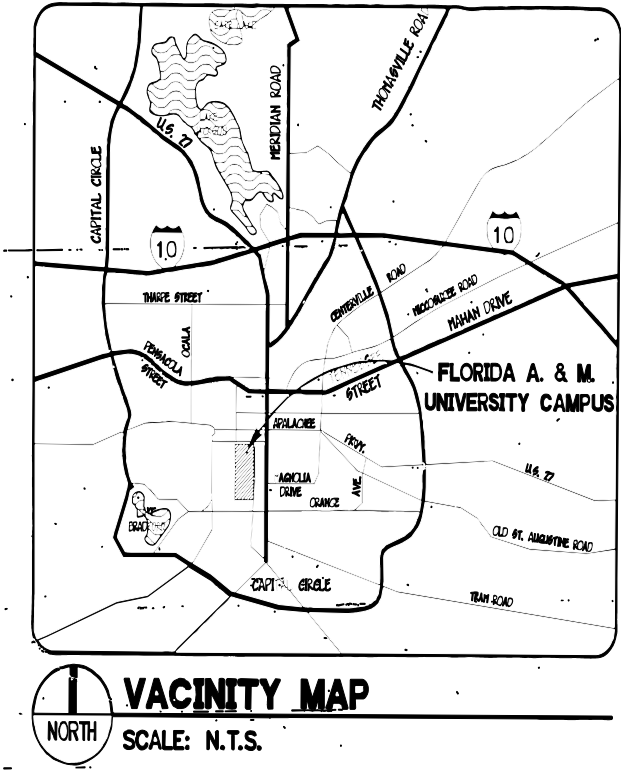
PLACE: Lee Hall Auditorium, Florida A & M University, Main Campus, 1601 S. Martin Luther King Blvd., Tallahassee, Florida (Lee Hall is located at the intersection of MLK St and Palmer St.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida A & M University proposes to adopt/amend a campus master plan to govern the use of land within the area shown in the map in this advertisement.

A copy of the proposed campus master plan/plan amendment is available for inspection by the public during normal business hours (8:00 a.m. to 5:00 p.m.) at the office of Facilities Planning and Construction of FAMU Facilities Planning Department, which is located at 2400 Wahnish Way. Interested parties are invited to appear at the public hearing and be heard regarding the proposed campus master plan/plan amendment. Interested parties who cannot attend this hearing are invited to submit written comments to Mr. Samuel Houston, Director of Facilities Planning, Department of Facilities Planning and Construction.

Within five working days following the public hearing, the proposed campus master plan/plan amendment shall be transmitted to those external review agencies identified in Section 1013.30(6), F.S. These agencies shall have 90 days after receipt of the proposed campus master plan/plan amendment in which to conduct their review and provide comments to the Director of Facilities Planning.

Individuals requiring a reasonable accommodation in order to attend and participate in the public hearing must contact Karen Brown, (850)599-3197, a minimum of 4 working days prior to the public hearing.



The **Department of Education, Division of Blind Services** announces a special Teleconference Meeting of the State Committee of Vendors.

DATE AND TIME: June 29, 2005, 7:00 p.m.
PLACE: To attend this teleconference meeting an interested party will need to call Toll Free 1(888)461-8118, Suncom 994-5775, (850)414-5775, if within the Tallahassee calling area.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Grievance Board Member Approval.

DEPARTMENT OF COMMUNITY AFFAIRS

The Florida Building Commission announces the following meetings to which all persons are invited. The meetings will be held at:

DATE AND TIME: June 27, 2005, 9:00 a.m.

PLACE: Hilton Hotel, 333 First Street, South, St. Petersburg, Florida, (727)894-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Paris Theater, 550 Washington Avenue, Miami Beach; AMC Sarasota Theater, 8201 Tamiami Trail, Sarasota; Windermere Union Church Preschool, 10710 Parkridge-Gotha Road, Orange County; The Angler's Boutique Resort, 634 Washington Avenue, Miami Beach; Homestead Miami Speedway Suite and Club Seating, 1 Speedway Boulevard, Homestead; Misener Marine Construction Inc., 5600 West Commerce Street, Tampa; Empire Plaza LLC, 7699-7657 Biscayne Boulevard, Miami.

At the time of submission to the FAW, the following were incomplete, pending further information from the applicant: Greystone Hotel, 1920 Collins Avenue, Miami Beach; The Tudor South Beach Resort, 1111 Collins Avenue, Miami Beach; The Palmer (Tudor South Beach Resort – North), 1119 Collins Avenue, Miami Beach; Related Cervera Realty Services, 400 Alton Road, Miami Beach; and Surfstyle Retail Store, 421 Lincoln Road, Miami Beach.

DATE AND TIMES: June 27, 2005

8:00 a.m. – Meeting of the Structural Technical Advisory Committee.

10:00 a.m. – Product Approval/Prototype Buildings/Manufactured Buildings POC.

2:00 p.m. – Meeting of the Accessibility Technical Advisory Committee.

3:00 p.m. – Meeting of the Education Technical Advisory Committee.

DATE AND TIMES: June 28, 2005

8:00 a.m. – Meeting of the Fire Technical Advisory Committee.

8:00 a.m. – Hurricane Research Advisory Committee

DATE AND TIME: June 28, 2005

3:30 p.m. – Meeting of the Plenary Session of the Florida Building Commission. Review and approval of the Agenda. Review and approval of the May 10 and 11, 2005 Minutes.

Consideration of requests for waiver from accessibility code requirements: Paris Theater, 550 Washington Avenue, Miami Beach; AMC Sarasota Theater, 8201 Tamiami Trail, Sarasota; Windermere Union Church Preschool, 10710 Parkridge-Gotha Road, Orange County; The Angler's Boutique Resort, 634 Washington Avenue, Miami Beach; Homestead Miami Speedway Suite and Club Seating, 1 Speedway Boulevard,

Homestead; Misener Marine Construction Inc., 5600 West Commerce Street, Tampa; Empire Plaza LLC, 7699-7657 Biscayne Boulevard, Miami.

At the time of submission to the FAW, the following were incomplete, pending further information from the applicant: Greystone Hotel, 1920 Collins Avenue, Miami Beach; The Tudor South Beach Resort, 1111 Collins Avenue, Miami Beach; The Palmer (Tudor South Beach Resort – North), 1119 Collins Avenue, Miami Beach; Related Cervera Realty Services, 400 Alton Road, Miami Beach; and Surfstyle Retail Store, 421 Lincoln Road, Miami Beach.

Consideration of Petitions for Declaratory Statement:

Local Amendment Review:

DCA05-BC-092 by Citrus County Builder's Association

Second Hearing:

DCA04-DEC-038 by A. Mark Scala, PE, Broward County Board of Rules & Appeals

DCA04-DEC-047 by William C. Hill, Fortifiber Building Systems Group

DCA04-DEC-054 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

DCA04-DEC-066 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

DCA04-DEC-068 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

DCA04-DEC-073 by Warren W. Schaefer, PE, W.W. Schaefer Engineering & Consulting PA

DCA04-DEC-074 by Alan Bookspan, Allied Building Products

DCA04-DEC-075 by Robert Amoroso, PE, Florida Extruders International Inc.

First Hearing:

DCA05-DEC-072 by Bemmie Eustace, Interplan LLC

DCA05-DEC-079 by Curtis Sunday, S & P Architectural Products

DCA05-DEC-088 by John L. Clinton, Class 1 Inc.

DCA05-DEC-089 by Anirudh A. Chopde, Walker Parking Consultants

DCA05-DEC-094 by Jeffrey B. Stone, American Forest & Paper Assoc.

Consideration of Applications for Product and Entity Approval

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Education TAC Report; Fire TAC Report; Structural TAC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

General Public Comment

Commission Member Comments and Issues

Recess until Wednesday 8:30 a.m.

DATE AND TIME: June 29, 2005

8:30 a.m. – Meeting of the Plenary Session of the Florida Building Commission continued.

Review and approval of the Agenda.
 Chair's Discussion of Issues and Recommendations.
 Discuss Format for Printing Expedited Amendments and Glitch Amendments to FBC.
 Discuss Future Development and Amendment of the FBC, Residential Volume.
 Review and Update of Commission Workplan
 Prioritization of 2005 Tasks
 Attic Ventilation Workshop II Report.
 Discuss the Review of the 2004 FBC Modifications 569 and 570 on Roof Decking.
 Recommendations of the Hurricane Research Advisory Committee.
 Rule Hearing on Rule 9B-72, Product Approval.
 Rule Development Workshop on Rule 9B-1, Manufactured Buildings.
 Public Comment on Quality of Construction
 Review Committee Assignments and Issues for the Commission's August 22, 23, and 24, 2005 Meeting.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, or looking on the web site at www.floridabuilding.org.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant at the Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting (if requested) of the Cost Recovery Workgroup to which all persons are invited.

DATE AND TIME: June 30, 2005, 2:00 p.m.

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Directors Conference Room 120L, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the Cost Recovery Workgroup relating to cost recovery for hazardous materials incidents.

For those interested in participating, please contact: Bobbe Pound, (850)922-1696.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should also contact Bobbe Pound, (850)922-1696, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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.

Additional information may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Attention: Leslie Anderson-Adams, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0410.

The **Division of Community Planning** announces a Public Workshop to which all persons are invited.

DATE AND TIME: June 20, 2005, 10:00 a.m. – conclusion

PLACE: Ocala Hilton (I-75 at S.R. 200), Ocala, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To introduce and obtain comments on the Draft Springs Protection Implementation Guidebook that is intended to assist local governments in springs protection. The goal of the workshop is to improve the "usability" of the Implementation Guidebook.

For more information and meeting materials contact: Richard Deadman, (850)922-1770 or Bruce Day, (352)732-1315.

DEPARTMENT OF LAW ENFORCEMENT

The Criminal Justice Professionalism Program of the Florida **Department of Law Enforcement** announces a meeting of the Criminal Justice Standards and Training Commission's Select Committee on Firearms Qualification Standards.

DATE AND TIME: Thursday, June 30, 2005 (This meeting was originally scheduled for June 22nd and has now been rescheduled for June 30th), 9:00 a.m. – 5:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, (Off 3507 Spruce Street) Tampa, Florida 33607 (If you need to make reservations, please call the Tampa Airport Marriott, (813)879-5151, Fax (813)873-0945, Check-In and Check-Out: Check-in is 3:00 p.m. and Check-out is 1:00 p.m.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To develop a standard for annual firearms qualification for active law enforcement officers and to develop a plan for implementing the standard.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 2 weeks prior to the meeting.

The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse Advisory Board announces a public meeting to which all persons are invited.

QUARTERLY MCIC ADVISORY BOARD MEETING

DATE AND TIME: Friday, June 24, 2005, 9:00 a.m.– 4:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

A copy of the agenda may be obtained by writing: Gwen Johnson, Missing Children Information Clearinghouse, The Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302.

DEPARTMENT OF TRANSPORTATION

NOTICE OF CANCELLATION – The Florida **Department of Transportation** announces the cancellation of public hearings scheduled to be held for the Tampa Bay Intermodal Center(s) Study on June 28 and 29, 2005. The hearings will be rescheduled at a later date. The proposed project involves conducting an analysis of the Tampa Bay region in order to determine potential locations for one or more multi-modal transit centers. The identification of viable center locations is the first step in the enhancement of transit services between the Bay area and the neighboring counties that affect this region.

NOTE: The notice scheduling these hearings was published in Florida Administrative Weekly, Vol. 31, No. 22, dated June 3, 2005.

For questions regarding this cancellation, please contact: Jerry Comellas, Project Manager, (813)975-6449.

The **Department of Transportation** announces a public hearing to which all persons are invited.

DATE AND TIME: July 14, 2005, 7:00 p.m.

PLACE: Jacksonville Airport Authority, 2nd Floor Training Room, 14201 Pecan Park Boulevard, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Federal Project Identification Number 209399-6, Federal Aid Number 9041066-C, otherwise known as North

International Airport Boulevard. The limits of the project corridor are from Airport Road to Interstate 95 in Jacksonville, Duval County, Florida.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call: Ms. Marianne Wood, (407)898-1511.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Marianne Wood, Kimley-Horn and Associates, 3660 Maguire Boulevard, Suite 200, Orlando, Florida 32803.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: July 5, 2005, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. 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).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: July 5, 2005, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Commission Hearing Room 148, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Director, Division of the Commission Clerk and Administrative Services, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. The agenda and recommendations are also accessible on the PSC Homepage: <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a Hearing to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 030696-TI – Compliance investigation of 9278 Communications, Inc. for apparent violation of Sections 364.02 and 364.04, Florida Statutes.

DATE AND TIME: July 7, 2005, 9:30 a.m.

PLACE: Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing is to permit parties to present testimony and exhibits relative to the compliance investigation conducted by the Florida Public Service Commission of 9278 Communications, Inc. for apparent violation of Sections 364.02 and 364.04, Florida Statutes.

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 Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

EXECUTIVE OFFICE OF THE GOVERNOR

The Governor's Commission on Volunteerism and Community Service, **Volunteer Florida**, Legislative Committee is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Thursday, June 23, 2005, 9:00 a.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business and update on activities.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The Governor's Commission on Volunteerism and Community Service, **Volunteer Florida**, Volunteer Services Committee, is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Thursday, June 23, 2005, 10:00 a.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business and update on activities.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The Governor's Commission on Volunteerism and Community Service, **Volunteer Florida**, Disability Outreach Committee is pleased to announce a conference call to which all persons are invited.

DATES AND TIMES: Thursday, June 23, 2005, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business and update on activities.

Please contact Gwen Erwin at (850)921-5172 for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The Governor's Commission on Volunteerism and Community Service, **Volunteer Florida**, Finance Committee is pleased to announce a conference call to which all persons are invited.

DATES AND TIMES: Friday, June 24, 2005, 10:00 a.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business and update on activities.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The Governor's Commission on Volunteerism and Community Service, **Volunteer Florida**, Communications Committee, is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Monday, June 27, 2005, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code

GENERAL SUBJECT MATTER TO BE CONSIDERED: General committee business and update on activities.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 29, 2005, 9:00 a.m.

PLACE: Twin Creeks Development of Regional Impact (DRI), County Road 210, St. Johns County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Site Visit for Twin Creeks DRI.

All invitees will meet at the Gate Station at the corner of U.S. 1 and County Road 210, at 9:00 a.m.

Information regarding this site visit may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216, (904)279-0880.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Personnel, Budget and Finance Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, July 7, 2005, 9:30 a.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, July 7, 2005, 8:30 a.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 7, 2005, 10:00 a.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The Northeast Florida Regional Council, Ad Hoc Committee on Beach Access announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 7, 2005, 11:00 a.m. after monthly meeting

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is established to examine how the Council can address the issue of Beach Access.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The South Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, July 11, 2005, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested parties are invited to attend.

“A WEEKEND IN MY WATERSHED” TRAINING SESSION

DATES AND TIMES: Friday, June 24, 2005, 4:00 p.m. through Saturday, June 25, 2005, 4:30 p.m.

PLACE: Brooker Creek Preserve Environmental Education Center, 3940 Keystone Road, Tarpon Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Formal training, demonstrations and nature walks.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING

DATE AND TIME: Tuesday, June 28, 2005, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings including discussion of the FY2006 budget and adoption of proposed millage, Board meeting and public hearing.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday’s meeting may be carried over to Wednesday’s meeting. If all business is concluded at Tuesday’s meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, June 29, 2005, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of meeting and public hearing.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** (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, June 27, 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), (352)796-7211, Extension 4400, Fax (352)754-6749, TDD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

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

PLACE: Jupiter Beach Resort, 5 N. A1A, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission Meeting.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: <http://www.sfwmd.gov/gover/wrac/main.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6447.

DEPARTMENT OF ELDER AFFAIRS

The **Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 20, 2005, 9:30 a.m. (Please call to confirm date, time and place)

PLACE: Area Agency on Aging of Pasco-Pinellas, Inc., 9887 4th Street, North, Suite 100, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Area Agency on Aging of Pasco-Pinellas, Inc. Board Meetings. Please note that if a person decides to appeal any decision made by AAAPP Board with respect to any matter considered at the above cited meeting or hearing, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The Florida **Department of Elder Affairs**, Program Planning and Evaluation Unit announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, June 28, 2005, 9:30 a.m. – 2:30 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Section 430.206(6)(b)3., Florida Statutes, authorizes the Department of Elder Affairs, in consultation with the Agency for Health Care Administration, to develop a demonstration project in which existing community care for the elderly lead agencies are assisted in transferring their business model and service delivery system to enable assumption of full risk as a community diversion pilot project contractor providing long-term care services. The aim of the meeting will be to gauge interest and collect comments.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this public meeting should advise the Department at least seventy-two (72) hours before the meeting by contacting: David Oropallo, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, e-mail: Oropallo@elderaffairs.org.

If you are hearing or speech impaired, please contact the Department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Health Care Facility Website Technical Workgroup, to which all interested parties are invited.

DATE AND TIME: Tuesday, June 28, 2005, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive Building #3, First Floor Conference Rooms, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Health Care Facility Website Technical Workgroup to discuss reporting health care data on the AHCA web site.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Adrienne Henderson, (850)922-0594, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Adrienne Henderson, 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://ahca.myflorida.com/SCHS/chistwg_hcfw.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Hospital Acquired Infections Technical Workgroup, to which all interested parties are invited.

DATE AND TIME: Wednesday, June 29, 2005, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor Conference Rooms, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Hospital Acquired Infections Technical Workgroup to discuss infection measures.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Beth Eastman, (850)922-3803, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Beth Eastman, 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://ahca.myflorida.com/SCHS/chistwg_hai.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces a teleconference meeting of the Florida Health Information Network (FHIN) Development Work Group of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: June 30, 2005, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive Building #3, First Floor Conference Room D, Tallahassee, FL 32308 (Anyone interested in participating may telephone (850)410-0966, Suncom 210-0966.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at www.fdhc.state.fl.us/dhit/index.shtml seven (7) days prior to the meeting.

DEPARTMENT OF MANAGEMENT SERVICES

The **Governor's Mansion Commission** announces a meeting to which all interested persons are invited:

DATE AND TIME: Thursday, June 30, 2005, 12:00 Noon

PLACE: The Governor's Mansion, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Department of Management Services, Facilities Management, 4050 Esplanade Way, Suite 315, Tallahassee, Florida 32399-0950, (850)488-2074.

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: Tuesday, July 7, 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)414-6477, Suncom 994-6477)

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** announces a public meeting of the Florida **Barbers' Board** to which all persons are invited to attend.

DATE AND TIME: Sunday, July 31, 2005, 10:00 a.m.

PLACE: Renaissance Orlando Hotel – Airport, 5445 Forbes Place, Orlando, Florida 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Barbers Board hereby gives notice that it will hold a legislative workshop to consider changes to the Barbers' Practice Act, Chapter 476, Florida Statutes. The Board will consider proposed legislation on the topics of Barbering Internships and Restricted Licensure.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Barbers' Board** to which all persons are invited to attend.

DATE AND TIME: Monday, August 1, 2005, 9:00 a.m.

PLACE: Renaissance Orlando Hotel – Airport, 5445 Forbes Place, Orlando, Florida 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: June 28, 2005, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, July 13, 2005, 2:00 p.m.; Thursday, July 14, 2005, 8:00 a.m., Friday, July 15, 2005, 8:00 a.m.

PLACE: The Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, 1(800)955-8771 (TDD) 1(800)955-8770 (Voice).

(Please note: A similar announcement, that was previously submitted, has been published in Vol. 31, No. 19. The meeting changes are as follows:)

The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Board of Cosmetology** to which all persons are invited to attend.

DATE AND TIME: Sunday, July 24, 2005, 9:00 a.m.

PLACE: Renaissance Orlando Hotel – Airport, 5445 Forbes Place, Orlando, Florida 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Board of Cosmetology hereby gives notice that it will hold a legislative workshop to consider changes to the Cosmetology Practice Act, Chapter 477, Florida Statutes. The Board will consider the text to the original proposed drafts submitted as 2005 Senate Bill 0828 and House Bill 0789, which provide new definitions, provide for subclassifications of cosmetology licenses; provide for specialty certificates; create a booth renter license and booth rental salon classification, increase certain fees and maximum disciplinary penalties, and create exceptions to salon requirements, etc.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Board of Cosmetology** to which all persons are invited to attend.

DATE AND TIME: Monday, July 25, 2005, 9:00 a.m.

PLACE: Renaissance Orlando Hotel – Airport, 5445 Forbes Place, Orlando, Florida 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Pilot Commissioners** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: July 14, 2005, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee Meeting and Rules Committee Meeting immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: July 15, 2005, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: Hyatt Regency Pier Sixty-Six Hotel, 2301 S. E. 17th Street, Ft. Lauderdale, FL 33316

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-6096, 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).

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 **Florida Emergency Medical Services Advisory Council** Committees, Constituency Groups, Florida Emergency Medical Services for Children Advisory Committee, and the Florida Emergency Medical Advisory Council will hold their quarterly meetings.

DATES AND TIMES: July 5, 2005, 8:00 a.m. – 6:00 p.m.; July 6, 2005, 8:00 a.m. – 6:00 p.m.; July 7, 2005, 8:00 a.m. – 2:00 p.m.

PLACE: The Rosen Center Hotel, 9840 International Drive, Orlando, FL 32819-8122, (407)996-9840, 1(800)800-9840

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council.

A schedule of meetings or an agenda may be obtained by contacting: Desi Lassiter, Bureau of Emergency Medical Services, (850)245-4055.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact the Bureau of Emergency Medical Services, (850)245-4055, at least 48 hours 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).

For further information, write: Desi Lassiter, 4052 Bald Cypress Way, Bin #C18 (HEMS), Tallahassee, Florida 32399-1738, (850)245-4440.

The **Correctional Medical Authority** announces a conference call meeting to be held by telephone to which all persons are invited:

DATE AND TIME June 29, 2005, 3:30 p.m. – 5:00 p.m.

PLACE: Telephone Number 922-2903 (Local), 1(800)416-4254 (Toll-Free), 292-2903 (Suncom)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continued discussion of issues relating to correctional health care in the Florida Department of Corrections.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact staff at least 48 hours prior to the meeting in order to request any special assistance.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: June 24, 2005, 2:00 p.m.

PLACE: Meet Me Number (850)922-2903, Suncom 292-2903, Toll Free Number 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine**, Expert Witness Committee announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, July 6, 2005, 12:30 p.m.

PLACE: Contact Florida Board of Medicine, (850)245-4131, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Saturday-Sunday, July 16-17, 2005, 8:00 a.m.

PLACE: The Hilton Palm Beach Oceanfront Resort, 2842 S. Ocean Blvd., Palm Beach, FL 33480, (561)586-6542

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Department of Health, Board of Medicine** hereby gives notice that a public workshop for the purposes of rule development on Rule 64B8-9.0093, Standards for the Delivery of Anesthesia in Certain Practice Settings. All interested persons are invited to participate.

DATE AND TIME: August 4, 2005, 2:00 p.m.

PLACE: Adams Mark Hotel, 225, Coastline Drive, East, Jacksonville, Florida 32202

A notice of rule development was published in Vol. 30, No. 36, of the September 3, 2004, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT WORKSHOP IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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 **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: July 20, 2005, 5:00 p.m.

PLACE: Department of Health, Tallahassee, FL at 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.

The **Board of Nursing Home Administrators** will hold a duly noticed Rules Workshop, to which all persons are invited to attend.

DATE AND TIME: Friday, July 8, 2005, 9:00 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B10, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Nursing Home Administrators, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/nurshome/nha_home.html.

The **Board of Nursing Home Administrators** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, July 8, 2005, 10:00 a.m.

PLACE: Embassy Suites Hotel, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)527-2700.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/nurshome/nha_home.html.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida **Substance Abuse and Mental Health Corporation**, created by Ch. 2003-279, Laws of Florida announces a Mental Health Round Table discussion sponsored by The Children and Adults Ad Hoc Committees.

DATES AND TIMES: Tuesday, June 21, 2005, 10:30 a.m. – 4:30 p.m.; Wednesday, June 22, 2005, 9:00 a.m. – 12:00 Noon

PLACE: Secretary's Conference Room, Department of Children and Family Services; 1317 Winewood Blvd., Building 1, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The discussion will be with a diverse group of stakeholders on mental health transformation in Florida. The Committees will review the federal mental health transformation grant submission, develop a mental health public policy message and identify budget priorities for 2005-2006. The objective at this forum will be to develop concrete recommendations for the Governor and the Legislature regarding mental health programs in Florida.

In accordance with the Americans with Disabilities Act, persons needing accommodations to participate in this meeting should contact Amanda Sanford seven days prior to the meeting at Florida Department of Children and Family Services, Mental Health Program Office, Bldg. 1, Room 206-B, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1575

NAVIGATION DISTRICTS

The Florida **Inland Navigation District**, Board of Commissioners announces a public meeting to which all persons are invited.

DATES AND TIME: Friday, June 17-18, 2005, 8:00 a.m.

PLACE: The Hampton Inn, 3425 North Atlantic Avenue, Cocoa Beach, Brevard County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Budget and Finance and Land Acquisition and Management and Committees will meet.

Please contact: District office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386, for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all interested persons are invited:

DATES AND TIME: July 14-15, 2005, 8:30 a.m. each day

PLACE: Farris Bryant Building, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to

ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

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

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

DEPARTMENT OF FINANCIAL SERVICES

NOTICE OF CHANGE OF ADDRESS – The **Department of Financial Services, Office of Insurance Regulation** announces a public hearing required by Section 627.062, Florida Statutes, to which all persons are invited:

DATE AND TIME: June 22, 2005, 4:00 p.m. – 7:00 p.m.

PLACE: Sarasota Bradenton International Convention Center, 8005 15th St., East, Sarasota, FL 34243

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cincinnati Insurance Company has requested a 36.7% statewide average rate increase for its standard homeowners program and a 39.4% statewide average rate increase for its non-standard homeowners program. This rate increase is based, at least in part, on a computer model. Florida law requires that a public hearing be held regarding any rate filing that is based in whole or part on data from a computer model and which exceeds 25%. Input from interested parties will be received at this public hearing.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please telephone the Sarasota Bradenton International Convention Center, (941)355-9161, at least 5-calendar days before the program.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule 690-170.003, Florida Administrative Code, published on April 1, 2005, in Vol. 31, No. 13; and a Notice of Change, published on May 4, 2005, in Vol. 31, No. 19, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Frank Dino, e-mail: frank.dino@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule 690-175.001, Florida Administrative Code, published on April 1, 2005, in Vol. 31, No. 13, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Frank Dino, e-mail: frank.dino@fldfs.com.

LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Development Review Committee** of the Leon County Research and Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Every second Tuesday of each month at 8:30 a.m. through December 2005

Meeting subject to cancellation, please call ahead to confirm.

PLACE: Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Committee reviews proposed construction plans for compliance with the protective covenants of Innovation Park.

Any person who desires to appeal a recommendation of the review committee will need a record of the proceedings conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

For information regarding the proposed agenda, interested persons may contact: Ms. Lewis, (850)575 0031.

The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Every third Tuesday of each month at 8:30 a.m. through December 2005

PLACE: Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310

GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.

Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance. For information regarding the proposed agenda, interested persons may contact: Ms. Lewis, (850)575-0031.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, June 28, 2005, 1:30 p.m.
PLACE: Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, FL
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.
A copy of the agenda may be obtained by writing: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-COO, Tampa, FL 33612.
Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Payne by June 24, 2005.

HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY

The **Hardee County Economic Development Authority** (Independent Board) announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, June 29, 2005, 8:30 a.m.
PLACE: County Commission Chambers, 412 West Orange Street, Room 102, Wauchula, Florida
For more information call: County Manager's Office, (863)773-9430.

This is a Disabled-Accessible facility. Any disabled person needing to make special arrangements should contact the County Commissioner's office at least forty-eight (48) hours prior to the public meeting.

This notice is published in compliance with Florida Statutes, 286.0105.

Interested parties may appear at the public meeting and be heard. If a person decides to appeal any decision made by the members, with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

JUSTICE ADMINISTRATIVE COMMISSION

The **Justice Administrative Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: June 30, 2005, 11:00 a.m.
PLACE: Justice Administrative Commission Conference Room, 227 N. Bronough Street, Suite 2100, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Commission Meeting.

Agenda available upon request by contacting Jessica Kranert or Susie Kalous. An audio recording of this meeting will be made.

In conjunction with the Americans with Disabilities Act, please contact Human Resources, 1(866)355-7902, if special accommodations are needed. For TDD service, please use Dual Party Relay System, 1(800)955-8771.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: July 14, 2005, 8:00 a.m.
PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Petition for Declaratory Statement received from Bay County, Florida, represented by Terrell K. Arline has been withdrawn. Notice of receipt of this petition, which was assigned the number DCA05-DEC-065, appeared in the April 8, 2005, edition of the Florida Administrative Weekly.

A copy of the withdrawal 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 May 18, 2005, from John L. Clinton, Class 1, Inc. regarding the addition of ASTM D6380 applicable in the State of Florida pursuant to the Florida Building Code, Building Volume (2004), section 1507.3.3.

It has been assigned the number DCA05-DEC-088.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on May 20, 2005, from Walker Parking Consultants regarding the application of sections 1607.9 and 406.3.6, Florida Building Code, Building Volume (2004) to passenger facility garages.

It has been assigned the number DCA05-DEC-089.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on June 2, 2005, from American Forest & Paper regarding the minimum thickness of wood structural panel sheathing for roofs of one and two-family dwellings pursuant to Florida Building Code, Building Volume or Residential Volume (2004).

It has been assigned the number DCA05-DEC-094.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on June 3, 2005, from State Farm Florida Insurance Company regarding the application of sections 3401.7 and 103, Florida Building Code, Building Volume (2001, as amended June, 2003) to replacement of a storm damaged roof.

It has been assigned the number DCA05-DEC-095.

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, Bay Palms Mobile Home & RV Park, Docket Number 2005028889.

Whether Bay Palms Mobile Home & RV Park is a mobile home park regulated under Chapter 723, Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2005028889, may be obtained by writing to the 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

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, Nicholas P. Karamessinis, Unit Owner, Pelican Bay Yacht Club Condominium, Building A, Inc., Docket Number 2005030000.

Whether under Florida Administrative Code subsections 61B-23.0021(8) and (10), the management company for Pelican Bay Yacht Club Condominium, after receiving the outer envelopes containing ballots for the election at the annual meeting, may: (a) contact unit owners and permit the owners to correct deficiencies, such as signing the outer envelope; (b) may return the envelope to the owner for signature; and (c) may verify the outer envelopes at the meeting before giving the verified envelopes to the committee to count the ballots.

A copy of the Petition for Declaratory Statement, Docket Number 2005030000, may be obtained by writing to the 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.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Dennis and Karen Roske, Petitioners, Moonlight Bay Condominium Association, Inc., Docket Number 2005021696.

The Petition for Declaratory Statement is denied because the declaration is unclear as to whether the lanai wall is an exterior wall or interior unit wall and the Division cannot interpret ambiguous terms in declarations of condominiums.

A copy of the Order Denying Petition for Declaratory Statement, Docket Number 2005021696, may be obtained by writing to the 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.

NOTICE IS HEREBY GIVEN that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, (hereinafter "Division") received a Petition and an Amended Petition for a Declaratory Statement from Florida Gaming Centers, Inc., d/b/a Ft. Pierce Jai-Alai (hereinafter "Petitioner"), in DBPR Case No. DS 2005-016. The Amended Petition lists Section 550.01215(4), Florida Statutes, as the statutory provision upon which a Declaratory Statement is being sought. The Petition further requests the Division to advise as to whether: the Division can waive the live jai-alai requirement for ITW and Simulcast wagering due to Petitioner being unable to operate any live jai-alai during the 2004-2005 fiscal year due to the impact of Hurricanes Frances and Jeanne.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has issued an order that disposes of the petition for declaratory statement that was filed on November 24, 2004, by Alan W. Legatz. The petition sought the Office's opinion as to whether the Securities and Investor Protection Act (Chapter 517, Florida Statutes) applies to two business transactions proposed by petitioner. The first transaction involved the marketing and sale of tenancy-in-common interests in undeveloped real property. The second transaction involved the marketing and sale of tenancy-in-common interests in income-generating real property, such as real property containing a commercial building subject to a net lease. Petitioner structured both of the transactions in accordance with the requirements of Revenue Procedure 2002-22.

The Office determined that the first proposed transaction, involving the sale of tenancy-in-common interests in undeveloped real property, would not constitute the sale of a security. The Office determined that the second proposed transaction, involving the sale of tenancy-in-common interests in income-generating real property, would constitute the sale of a security subject to regulation by Chapter 517, Florida Statutes.

A copy of the order may be obtained from: William Oglo, Assistant General Counsel, Office of Financial Regulation, Office of General Counsel, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399-0379.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

New College of Florida announces that construction management services will be required for the project listed below:

Project No.: NCF-01
 Project: Residence Halls
 New College of Florida
 Sarasota, Florida

Estimated Construction Budget: \$19,200,000.

The project consists of the construction of new residence hall(s), the renovation of 3 existing residence halls and the renovation or replacement of an existing student services building, as well as approximately 5,000 square feet of new student services facilities.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP). The development of the GMP is planned at the completion of the 50% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, encouraging the inclusion of Minority Business enterprises (MBEs). Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including related building experience, financial capability, information systems, scheduling and cost control, office and on site staff, information systems and distance to site. Finalists will be

provided with a copy of the project fact sheet, a description of the final interview requirements and a copy of the standard New College construction management agreement. The selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed project specific "Construction Manager Qualifications Supplement" available from New College Facilities Planning and Construction at the address shown on the bottom of this advertisement. Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Six bound copies of the required proposal must be received in the Facilities Planning and Construction office by 4:00 p.m., local time on Friday, July 15, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

Submit proposals to:

Ken Perlowski, Director
 Facilities Planning and Construction
 New College of Florida
 5700 North Tamiami Trail
 PHS 120
 Sarasota, FL 34243
 Telephone: (941)359-4609
 Fax: (941)359-4239
 e-mail: kperlowski@ncf.edu

Short List Selection Process: From the proposals received, New College will select a minimum of three (3) firms and a maximum of five (5) firms for further interviews.

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

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: BE-31

PROJECT NAME & LOCATION: Wastewater Treatment Plant Upgrade to include a surge/anoxic tank, blowers and air piping, surge pumps, return sludge pumps, internal recycle pumps, submersible mixers and associated piping and valves at Mayo Correctional Institution, 8487 U. S. Highway 27, West, Mayo Florida.

FOR: State of Florida, Department of Corrections- Region II.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000.00 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder whose field is governed by Chapters 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department for the current biennium (July 1 through June 30) of odd numbered years. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Instruction To Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: July 19, 2005, 2:00 p.m. Local time

PLACE: Hatch Mott Macdonald, 3800 Esplanade Way, Suite 150, Tallahassee, FL 32311

Any person with a qualified disability requiring special accommodations at the pre-bid conference and/or bid/proposal opening shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using the Florida Relay Services, 1(800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ENGINEER: Hatch Mott Macdonald, 3800 Esplanade Way, Suite 150, Tallahassee, FL 32311

TELEPHONE: (850)222-0334, Attention: Michael P. Murphy, P. E.

A non-mandatory pre-bid conference will be held on July 12, 2005 at 2:00 p.m., local time, at the Mayo Correctional Institution's Administration Building, conference room. A brief walk through of the work area will be available as part of the pre-bid conference.

Drawings and specifications may be purchased for a non-refundable price of \$75.00 per set from the Architect/Engineer.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

WATER MANAGEMENT DISTRICTS

Request for Qualifications 04/05-036 LA

Approved Environmental Auditor List

To ensure a consistent level of quality in appraisal reports and reduce administrative costs, the Suwannee River Water Management District maintains a list of environmental auditors who are pre-qualified for District assignments.

After qualifications are received and reviewed by District staff, a list of environmental auditors will be submitted to the District's Governing Board for approval at the September Governing Board meeting. These approved environmental auditors will receive Requests for Bids for environmental audit work to be done during the upcoming Fiscal Year 2005-2006. This list can be re-approved on a yearly basis for up to two additional years upon mutual agreement of District and environmental auditors.

Individuals and firms interested in being considered for District environmental site assessment work should complete a Respondent Form and mail it to District headquarters prior to 4:00 p.m. June 21, 2005.

For additional information or to request a request for qualification package, log on to www.mysuwanneeriver.com, or contact: Gwen Lord, Administrative Assistant, (386)362-1001 or 1(800)226-1066 (Florida only).

**REQUESTING BIDS FOR AN
INTEGRATED VOICE RESPONSE (IVR) SYSTEM**

The Suwannee River Water Management District will receive sealed bids for the following:

BID TITLE: Integrated Voice Response System

BID NUMBER: 04/05-040WR

BID SPECIFICATIONS:

The District desires a product that will mimic its current river level and flood information phone line that can be reviewed by calling 1(800)604-2272 (FL only) or (386)362-6626. The Integrated Voice Response (IVR) system will include hardware, software and installation at the District headquarters in Live Oak, Florida. System installation must be complete and functional by September 30, 2005.

The IVR system will replace the current voice recorded answering system for flood information and must be able to update individual responses for latest date, river level, flood stage, and warning statement for up to 30 river level gages as stored on the District's Microsoft SQL Server database.

The IVR system will include a capacity for at least four (4) ports and will be compatible with the District's existing Siemens HiPath Communications System Model 3000 phone system. The District has a PRI incoming phone line. No voice recognition capability is required. Text-to-speech and touch-tone capabilities are required. The IVR system must interact with the District's Microsoft SQL Server database to obtain data for automated responses. A means to manually record messages as a backup option must be available and included.

BID DOCUMENTS: Any individual or firm may obtain a copy of the Request for Bid by contacting Linda Smith, Procurement Coordinator, Suwannee River Water Management District, Telephone: (386)362-1001 or by accessing the SRWMD website: www.mysuwanneeriver.com.

BID DATE AND TIME: Sealed bids will be opened on July 13, 2005, at 3:30 p.m. (EST) at the Suwannee River Water Management, 9225 County Road 49, Live Oak, Florida 32060. Faxed bids will not be accepted.

EXPRESSWAY AUTHORITIES

NOTICE TO PROFESSIONAL CONSULTANTS

The Orlando-Orange County Expressway Authority (Authority) requires the services of a consultant in connection with Construction Engineering and Inspection (CEI) services. Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, and who have been prequalified by FDOT to perform the indicated Types of Work.

TYPES OF WORK: Group 10.1, Roadway Construction Engineering and Inspection and Group 10.3, Construction Materials Inspection. Consultant must be prequalified in these work groups.

DESCRIPTION: The work consists of providing CEI services related construction of the S.R. 528/S.R. 436 Interchange Improvements (Design/Build Project No. 528-300). Construction work includes: the removal of the loop ramp in the northwest quadrant and the construction of a new flyover ramp from westbound S.R. 528 to southbound S.R. 436; the widening of S.R. 436 (Airport Boulevard) north and southbound from S.R. 528 to Cargo Road; the widening of the north and south bound Cargo Road bridges; storm drainage, signing, cantilever signing structures, lighting, pavement markings, guardrail and potentially gravity/retaining walls.

SUBMITTAL REQUIREMENTS: Interested consultants shall submit five (5) sets of a Letter of Interest package indicating their desire to be considered. The letter shall be no more than ten pages exclusive of charts, resumes and project experience list and divided as follows:

Section 1. Similar project Experience: Provide CEI project experience on current/completed projects within the past 5 years. Indicate project name, location, services provided and accurate reference names with phone numbers. All references will be checked.

Section 2. Project Approach; Provide a maximum 5 page narrative describing the firm's approach to delivering the CEI services. In addition to the narrative, provide a proposed project organization chart including subconsultant personnel; a matrix summarizing proposed personnel experience on similar projects including registrations/certifications; detailed resumes identifying relevant experience on similar projects. Resumes shall include client/owner references for all proposed personnel for the past 5 years and availability date for each individual.

Section 3. Certifications; Provide copies of FDOT certifications in the work groups identified above and Florida Department of Professional Regulation registration for prime consultant and subconsultants.

Section 4. Current and Projected Workload; Indicate ability of staff to manage a CEI assignment and indicate, as a percentage, the current/projected workload of current staff. Indicate the

total number of firm's professional, technical and administrative personnel by discipline, location and office responsible for administering the contract.

CODE OF ETHICS: All consultants selected to work with the Authority are required to comply with the Authority's Code of Ethics, a copy of which may be obtained by contacting the Authority.

EQUAL OPPORTUNITY STATEMENT: The Orlando-Orange County Expressway Authority, in accordance with the provision of Title VI and Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination of on the basis of race, color, sex, national origin, age, religion and disability. The Authority hereby notifies all Proposers and individuals that it requires and encourages equal employment opportunity for minority and women as employees in the workforce.

MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION: The Orlando-Orange County Expressway Authority, hereby notifies all Proposers and individuals that it will require affirmative efforts be made to ensure participation of local minority and women business enterprises on contracts awarded by the Authority.

NON-SOLICITATION PROVISION: From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding these Non-Solicitation Provisions.

LETTER OF INTEREST RESPONSE DEADLINE: July 8, 2005, 12:00 Noon, Orlando local time.

SELECTION: The Authority will shortlist firms based on the Authority's "Pass/Fail" evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process that includes an oral interview. The successful firm will be the firm with the highest ranking based on the results of the interview.

AUTHORITY CONTACT PERSON:

Ben Dreiling, P.E.
Director of Construction
Telephone: (407)316-3800
Fax: (407)316-3801

LETTER OF RESPONSE ADDRESS:

Orlando-Orange County Expressway Authority
525 S. Magnolia Avenue
Orlando, FL 32801
Re: CEI Services
Project No. 528-300

DEPARTMENT OF ELDER AFFAIRS

NOTICE OF DECISION

The Area Agency on Aging of Central Florida, Inc., d/b/a Senior Resource Alliance, located at 988 Woodcock Rd., Ste 200, Orlando, FL 32803, has decided, based on only one Letter of Intent to Bid, to sole source Community Outreach Health Promotion/Disease Prevention program to the Senior Services Connection, Inc. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

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."

CITY OF FT. LAUDERDALE

NOTICE TO CONTRACTORS

Sealed bids will be received until 9:00 a.m. on Wednesday, July 13, 2005 in the Office of the City Engineer, Public Works Department (Engineering and Architectural Services), City Hall, 100 North Andrews Avenue, 4th Floor, City of Fort Lauderdale, Florida and opened immediately thereafter in the Conference Room, for PROJECT 10968 – WASTEWATER CONVEYANCE SYSTEM LONG-TERM REMEDIATION PROGRAM PROJECT 5 – SEWER BASIN A-17.

The work includes: The rehabilitation of mainline sewers and laterals identified in the contract documents by using the cured-in-place pipe method for the sewer pipes. The work includes as required, pre and post television survey, flow bypass, traffic control, site restoration, and related operations resulting in complete and satisfactory rehabilitation of the wastewater collection system piping in Sewer Basin A-17.

A pre-bid meeting will be held at 2:00 p.m. on Wednesday, June 22, 2005, at the Program Management Team Office at 200 North Andrews Avenue, Suite 300 (third floor), Fort Lauderdale, Florida. The pre-bid meeting is recommended but not mandatory.

Bidding blanks may be obtained at the Office of the City Engineer. Specifications are on file in the Office of the City Engineer.

This project is funded in whole or in part by the Florida Department of Environmental Protection, State Revolving Fund. Bidders are encouraged to become familiar with the provisions of the Supplementary Conditions contained in these documents and in particular the requirements of Article 20, Equal Employment Opportunity.

It will be the sole responsibility of the bidder to clearly mark bid as such, and ensure that his bid reaches the City prior to the bid opening date and time listed.

A certified check, cashier's check, bank officer's check or bid bond for 5% of the amount bid, made payable to the City of Fort Lauderdale, Florida, shall accompany each proposal.

The City of Fort Lauderdale reserves the right to waive any informality in any bid and to reject any or all bids.

Information on bid results and projects currently out to bid can be obtained by calling the pre-recorded City of Fort Lauderdale Bid Information Line, (954)828--5688. For general inquiries – please call (954)828-5772.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL

REQUEST FOR PROPOSALS (FDDC #2005-IP-2900)

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to provide individuals with developmental disabilities the tools necessary to live, work and play in their communities. The primary objective of this contract is to plan, coordinate and execute an Asset Building Summit for individuals with developmental disabilities and their families to understand how they can build assets.

The provider will be responsible for designing and executing a two-day summit on assets in late January 2006.

Individuals, not-for-profit and for-profit agencies may submit proposal in response to this RFP. The approximate amount of funds available for project awarded based on this RFP will be \$75,000.00. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP will be available from: Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633. The deadline for submitting letters of intent and written questions is July 18, 2005. The deadline for submitting proposals is 2:00 p.m. EDT on August 19, 2005. E-mails will not be accepted.

SOUTHWEST FLORIDA WORKFORCE DEVELOPMENT BOARD

REQUEST FOR PROPOSAL

BUSINESS AWARENESS AND OUTREACH

The Southwest Florida Workforce Development Board, Inc. (Board) is committed to the continued development of an employer driven workforce development system. In support of this commitment, the Board has expressed a desire for improvements in its business outreach and employer awareness

activities in Charlotte, Collier, Glades, Hendry and Lee Counties. Therefore, the Board is soliciting proposals to develop a system of surveying and amassing labor market information on a quarterly basis, plus disseminating information on Board programs and events. The system developed must include information from:

- Individual employers based on known staffing patterns
- Business Advocacy Groups
- Education and Training Organizations
- Government
- Community and Faith Based Organizations

The methodology used to amass the information is at the discretion of the respondent; however, the information solicited on the survey instrument must be jointly designed in cooperation with Board staff. The Board currently has a data base of over five thousand (5000) employers with ten or more employees and the successful respondent should expect to disburse promotional material to a minimum of two thousand of these employers quarterly and survey a minimum of one hundred twenty five (125) employers quarterly. Those employers targeted for survey must be based on known labor market information that would indicate the employer most probably has a need for Board services or programs.

It is anticipated the successful respondent will interact on site (Bonita Springs, Florida) with Board staff a minimum of three (3) days initially to finalize program design, two days (2) following the initial quarterly survey; and again for two days after the six month survey to ensure effectiveness and efficiency of program design have been achieved.

The total price of the contract is not expected to exceed \$65,000, however, no maximum has been established. Selection will be based on technical qualifications and relevant demonstrated experience in this area.

The Southwest Florida Workforce Development Board, Inc. is an Equal Opportunity Employer/Program.

One original and five copies should be submitted. There is a five-page maximum. Proposals must be received by 4:30 p.m., Thursday, July 7, 2005, at the Southwest Florida Workforce Development Board Inc., Attn: Joe Paterno, 24311 Walden Center Drive, Suite 200, Bonita Springs, Florida 34134. Proposal received after that time will not be accepted for consideration. FAX proposals will not be accepted. Proposals received on a timely basis will be reviewed by an ad-hoc review committee of Board members, staff and other interested parties.

The Board reserves the right to request clarification of any information submitted by proposers, and to reject any and all proposals, to waive informalities in the bid procedure and to award a contract, which is in the best interest of the Board.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On June 3, 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 Anne Louise Buntain, R.N. license number 2078362. 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 June 3, 2005, John O. Agwunobi, M.D., M.B.A., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Donna Connolly, ARNP, CRNA, license number RN 475142. This Emergency Restriction 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 June 6, 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 Donna Putnam, R.N., license number RN 3115762. This Emergency Suspension predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF FINANCIAL SERVICES

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2005-1069

In Re: The Receivership of SENIOR CITIZENS MUTUAL INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH SENIOR CITIZENS MUTUAL INSURANCE COMPANY

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 1st day of June, 2005, the Department of Financial Services of the State of Florida was appointed as Receiver of SENIOR CITIZENS MUTUAL INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of SENIOR CITIZENS MUTUAL INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m. June 2, 2006, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for SENIOR CITIZENS MUTUAL INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received the following application.

Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 8, 2005:

APPLICATION TO MERGE

Constituent Institutions: The Credit Union of Palm Beach County, West Palm Beach, Florida, and JFK Employees Federal Credit Union Resulting Institution: The Credit Union of Palm Beach County, West Palm Beach, Florida

Received: May 31, 2005

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: First Bank of the Palm Beaches, 415 5th Street, West Palm Beach, Palm Beach County, Florida 33401

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: June 6, 2005

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN May 31, 2005
 and June 3, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF STATE
Division of Cultural Affairs

IT-1.001	6/1/05	6/21/05	31/7	31/14
----------	--------	---------	------	-------

DEPARTMENT OF EDUCATION
State Board of Education

6A-10.060	6/1/05	6/21/05	31/15	
-----------	--------	---------	-------	--

AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need

59C-1.010	6/3/05	6/23/05	31/15	
-----------	--------	---------	-------	--

Medicaid Program Office

59G-8.200	6/3/05	6/23/05	29/30	29/42
-----------	--------	---------	-------	-------

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
----------	-----------	----------------	-------------------	------------------

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

61G17-5.0031	6/3/05	6/23/05	31/13	
61G17-5.0051	6/3/05	6/23/05	31/13	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-304.310	6/2/05	6/22/05	31/11	
62-304.605	6/2/05	6/22/05	31/11	

DEPARTMENT OF HEALTH
Board of Dentistry

64B5-7.007	6/2/05	6/22/05	31/9	
------------	--------	---------	------	--

NOTE: THE EFFECTIVE DATE OF THE FOLLOWING RULES WAS PUBLISHED INCORRECTLY IN VOL. 31, NO. 23, JUNE 10, 2005:

62-673.200	5/26/05	7/2/05	31/4	
62-673.340	5/26/05	7/2/05	31/4	
62-673.600	5/26/05	7/2/05	31/4	
62-673.640	5/26/05	7/2/05	31/4	