

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Specialization Requirements for the  
 Endorsement in Athletic  
 Coaching – Academic Class

RULE NO.: 6A-4.0282

**PURPOSE AND EFFECT:** The purpose of the rule development is to amend the requirements for certification in the endorsement for athletic coaches to include the study of the dangers and effects of performance enhancing drugs and to require coaches to hold a valid cardiopulmonary resuscitation certificate (CPR). The effect is a rule that includes requirements for coaches that will improve drug information and safety for student athletes.

**SUBJECT AREA TO BE ADDRESSED:** Certification requirements for athletic coaches.

**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, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Beverly Gregory, Bureau of Educator Certification, 325 West Gaines Street, Room 201, Tallahassee, Florida 32399-0400, (850)245-0431

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.0282 Specialization Requirements for the Endorsement in Athletic Coaching – Academic Class.

- (1) Certification in another subject, and
- (2) Nine (9) semester hours in athletic coaching to include the areas specified below:
  - (a) Three (3) semester hours in care and prevention of athletic injuries; and the effects and dangers of drug use including performance enhancing drugs.
  - (b) Three (3) semester hours in coaching theory, and
  - (c) A course in theory and practice of coaching a specific sport.

(3) A valid cardiopulmonary resuscitation certificate issued by the American Heart Association or the American Red Cross.

Specific Authority 1001.02, 1012.55, 1012.56 FS. Law Implemented 1001.02, 1012.54, 1012.55, 1012.56 FS. History–New 12-4-89, Amended \_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER TITLE: Hazardous Materials

RULE CHAPTER NO.: 9G-14

RULE TITLES: Definitions

RULE NOS.: 9G-14.002

Section 313 Toxic Chemical Release Inventory Fee

9G-14.0045

Approved Forms

9G-14.006

EPCRA Public Information Requests; Inspection and Copies

9G-14.010

**PURPOSE AND EFFECT:** To redesignate the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act to the Emergency Planning and Community Right-to-Know Act; to update a reference to the federal list of toxic chemicals to state “s. 313 EPCRA listed substances in effect on January 1, 2005;” to update the current rule eliminating references to the Department of Labor & Employment Security; and to update information such as addresses and forms.

**SUBJECT AREA TO BE ADDRESSED:** Emergency Planning and Community Right-to-Know Act and the update of information associated with this program.

**SPECIFIC AUTHORITY:** 120.53, 252.83(1) FS.

**LAW IMPLEMENTED:** 119.07(1), 120.53, 215.26, 252.82, 252.83, 252.84, 252.85, 252.88 FS.

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

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

PLACE: Department of Community Affairs, Room 120L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Priscilla Knight, Bureau of Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970, Suncom 293-9970, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sheri Powers, Administrator, Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9925

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9G-14.002 Definitions.

As used in this rule chapter:

(1) "Agricultural Employee" means each full-time and each part-time non-seasonal employee within this state reported by the owner or operator of an agricultural facility to the Department of ~~Revenue Labor and Employment Security~~ for unemployment compensation tax purposes, the total number of which shall not be less than the number for the month reflecting the lowest number of employees for the calendar year.

(2) through (4) No change.

(5) "Employee" means each full-time and each part-time employee employed within the State by the owner or operator of a facility as reported to the Department of ~~Revenue Labor and Employment Security~~ for unemployment compensation tax purposes for the last month of the calendar year.

(6) through (10) No change.

(11) "Owner/Operator" means a sole proprietorship, or partnership, or company with an assigned Federal Employer Identification number, that reports employees to the Florida Department of ~~Revenue Labor and Employment Security~~ including, at a minimum, employees at the facility in Florida subject to reporting under EPCRA Section 302 or 312.

(12) through (13) No change.

Specific Authority 252.83(1) FS. Law Implemented 252.82 FS. History--New 11-24-88, Amended 12-31-92, 1-3-01, \_\_\_\_\_.

9G-14.0045 Section 313 Toxic Chemical Release Inventory Fee.

(1) An owner or operator of one or more facilities who is required to submit a United States Environmental Protection Agency Toxic Chemical Release Inventory Form-R report or alternate threshold Form-A filing to the Commission under s. 313 of EPCRA shall be required to pay an annual reporting fee of \$150.00 per Toxic Chemical Release Inventory Form-R report and \$75 per chemical listed on each Form-A alternate threshold filing for each s. 313 listed EPCRA substances in effect on January 1, ~~1998~~ 2005, using Form Number HMP-08-00.

(2) No change.

Specific Authority 252.83(1) FS. Law Implemented 252.84, 252.85 FS. History--New 12-31-92, Amended 2-26-97, 12-20-98, 1-3-01, \_\_\_\_\_.

9G-14.006 Approved Forms.

The following forms are adopted by reference. Use of Form HMP-02-00 is required for submission of an annual registration fee. Use of Form HMP-01-98 is required for submission of a notification pursuant to EPCRA s. 302. Use of Form HMP-05-00 is required for submission of an annual inventory form pursuant to EPCRA Chapters 312 and 324 and subsection 252.88(3), F.S. Use of Form HMP-09-00 is required for submission of a request for a refund for overpayment of fees or for fees paid in error pursuant to Rule 9G-14.007, F.A.C. Use of Form HMP-10-00 is required for electronic transmission of an annual inventory report pursuant to EPCRA s. 312 and 324 and subsection 252.88(3), F.S. Use of Form HMP-11-00 is required for providing certification of accuracy for electronic transmission filings. Use of Form HMP-08-98 is required for submission of an annual inventory report or alternate threshold filing fee submitted pursuant to EPCRA s. 313. These forms are available at no charge from the Department of Community Affairs, Division of Emergency Management, Bureau of Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

FORM NO.	SUBJECT	EFFECTIVE DATE
HMP-01-98	Section 302 – Emergency Planning Notification	<u>7-1-05</u> <del>1-3-01</del>
HMP-02-00	Annual Registration Form	<u>7-1-05</u> <del>1-3-01</del>
HMP-05-00	Tier Two Form (with instructions)	<u>7-1-05</u> <del>1-3-01</del>
HMP-06-95	Confidential Location Information Sheet	<u>7-1-05</u> <del>1-3-01</del>
HMP-08-00	Toxic Chemical Release Inventory Fee Form	<u>7-1-05</u> <del>1-3-01</del>
HMP-09-00	Refund Application Form	<u>7-1-05</u> <del>1-3-01</del>
HMP-10-00	Electronic Tier Two Form (with instructions)	<u>7-1-05</u> <del>1-3-01</del>
HMP-11-00	Tier Two Certification Statement Form	<u>7-1-05</u> <del>1-3-01</del>

Specific Authority 120.53, 252.83(1) FS. Law Implemented 120.53, 215.26, 252.84, 252.85 FS. History--New 11-28-90, Amended 12-31-92, 6-1-95, 2-26-97, 12-20-98, 1-3-01, \_\_\_\_\_.

9G-14.010 EPCRA Public Information Requests; Inspection and Copies.

(1) Requests for information may be directed to the Local Emergency Planning Committee (LEPC), c/o the Regional Planning Council (RPC), at the following addresses:

District One LEPC

c/o West Florida RPC

Post Office Box ~~9759~~ 486

Pensacola, Florida ~~32513-9759~~ ~~32593-0486~~

District Two LEPC

c/o Apalachee RPC

~~20776 Central Avenue East 314 East Central Avenue, Room 449~~

Blountstown, Florida 32424

District Three LEPC

c/o North Central Florida RPC, ~~Suite A~~

2009 Northwest 67 Place, ~~Suite A~~

Gainesville, Florida 32653

District Four LEPC

c/o Northeast Florida RPC

~~6850 Belfort Oaks Place 9143 Phillips Highway, Suite 350~~

Jacksonville, Florida ~~32216~~ ~~32256~~

District Five LEPC

c/o Withlacoochee RPC

1241 Southwest Tenth Street

Ocala, Florida 34474-2798

District Six LEPC

c/o East Central Florida RPC

631 ~~North~~ Wymore Road, ~~Suite 100~~

Maitland, Florida ~~32751~~ ~~32789~~

District Seven LEPC

c/o Central Florida RPC

Post Office Box 2089

Bartow, Florida 33831

District Eight LEPC

c/o Tampa Bay RPC

~~4000 Gateway Centre Blvd., Suite 100 9455 Koger Boulevard Suite 219~~

~~Pinellas Park, Florida 33782 St. Petersburg, Florida 33702~~

District Nine LEPC

c/o Southwest Florida RPC

~~1926 Victoria Avenue Post Office Box 3455~~

Fort Myers, Florida ~~33901~~ ~~33918-3455~~

District Ten LEPC

c/o Treasure Coast RPC

301 East Ocean Boulevard, Suite 300

Stuart, Florida 34994

District Eleven LEPC

c/o South Florida RPC

3440 Hollywood Boulevard, Suite 140

Hollywood, Florida 33021

Requests for inspection and copying of any EPCRA records that are open to the public may be directed to the same office or to the Commission, c/o the Department of Community Affairs at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2149.

(2) through (5) No change.

Specific Authority 120.53, 252.83(1) FS. Law Implemented 119.07(1), 120.53, 252.83, 252.88 FS. History--New 6-1-95, Amended 2-26-97, 1-3-01,

**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**

**South Florida Water Management District**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
General and Procedural 40E-1

PURPOSE AND EFFECT: To amend and update portions of Chapter 40E-1, F.A.C., to incorporate changes consistent with changes identified in the presently ongoing rule development for Chapter 40E-61, F.A.C., Lake Okeechobee Works of the District.

SUBJECT AREA TO BE ADDRESSED: To amend Chapter 40E-1, F.A.C., General and Procedural rules.

SPECIFIC AUTHORITY: 120.53, 120.54(5), 373.044, 373.109, 373.113, 373.119, 373.129, 373.136, 373.171, 373.4135, 373.439, 380.051 FS.

LAW IMPLEMENTED: 120.53(1), 120.54(5), 120.57, 120.60, 218.075, 373.083, 373.085, 373.103, 373.106, 373.107, 373.109, 373.113, 373.116, 373.119, 373.171, 373.175, 373.219, 373.229, 373.239, 373.243, 373.246, 373.413, 373.416, 373.417, 373.421, 373.422, 373.426, 373.429, 373.433, 373.436, 373.439, 380.051 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 TEXT, IF AVAILABLE, IS: For technical issues: Gary Ritter, (800)250-4200, Extension 3017, e-mail: [gritter@sfwmd.gov](mailto:gritter@sfwmd.gov); For procedural issues: Joyce Rader, Paralegal Specialist, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6259 or (561)682-6259, e-mail: [jrader@sfwmd.gov](mailto:jrader@sfwmd.gov).

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Publications, Rules and Interagency Agreements  
 Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: To amend the Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between the South Florida Water Management District and Department of Environmental Protection, to modify a protocol to define which agency accepts which application.

SUBJECT AREA TO BE ADDRESSED: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between the South Florida Water Management District and Department of Environmental Protection.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 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.

Although Governing Board meetings, hearings and workshops 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 any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, (561)682-2087, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert G. Robbins, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6951 or (561)682-6951, internet: dmeiers@sfwmd.gov. For procedural issues – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6299 or (561)682-6299, internet: jsluth@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.  
 (1) through (1)(b) No change.

(c) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits under Section 403.814, F.S.~~, between South Florida Water Management District and Department of Environmental Protection, effective \_\_\_\_\_ ~~December, 1998.~~

(d) through (k) No change.

(2) No change.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE CHAPTER TITLE: \_\_\_\_\_ RULE CHAPTER NO.: \_\_\_\_\_

Administration of Federal Aging Programs 58A-1

PURPOSE AND EFFECT: The purpose of the proposed rule changes are to provide substantial rewording and a new title for the 1994 Department of Elder Affairs (DOEA) Client Programs and Services Manual, incorporated by reference in these rules.

SUBJECT AREA TO BE ADDRESSED: Substantial rewording of the 1994 DOEA Client Programs and Services Manual, incorporated by reference in the above cited rules, will address the following subject areas:

- (1) General Information/Planning Process and Aging Network/Monitoring/Reporting Requirements;
- (2) Case Management Services;
- (3) Aging Resource Centers;
- (4) Older Americans Act;
- (5) Community Care for the Elderly (CCE) Program;
- (6) Alzheimer's Disease Initiative (ADI) Program;
- (7) Home Care for the Elderly (HCE) Program;
- (8) Disaster Preparedness;
- (9) Service Descriptions and Standards;
- (10) Co-Payment for CCE and ADI Programs;
- (11) DOEA Coordination with other State/Federal Programs;
- (12) CIRTS;
- (13) Grievance Procedures.

SPECIFIC AUTHORITY: 410.021-.029, 410.401-.403, 430.08, 430.201-.207, 430.204(8), 430.501-.504, 430.601-.608 FS.

LAW IMPLEMENTED: Part 1, Chapter 400, 409.508, 409.906, 409.912, 410.021-.029, 410.401-.403, 430.02(6), 430.03(9), 430.07-.071, 430.201-.207, 430.501-.504, 430.601-.608, 430.701-.709, 744.701-.709 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., July 13, 2005

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Crochet, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE CHAPTER TITLE: Community Care for the Elderly  
 RULE CHAPTER NO.: 58C-1

PURPOSE AND EFFECT: The purpose of the proposed rule changes are to provide substantial rewording and a new title for the 1994 Department of Elder Affairs (DOEA) Client Programs and Services Manual, incorporated by reference in these rules.

SUBJECT AREA TO BE ADDRESSED: Substantial rewording of the 1994 DOEA Client Programs and Services Manual, incorporated by reference in the above cited rules, will address the following subject areas:

- (1) General Information/Planning Process and Aging Network/Monitoring/Reporting Requirements;
- (2) Case Management Services;
- (3) Aging Resource Centers;
- (4) Older Americans Act;
- (5) Community Care for the Elderly (CCE) Program;
- (6) Alzheimer’s Disease Initiative (ADI) Program;
- (7) Home Care for the Elderly (HCE) Program;
- (8) Disaster Preparedness;
- (9) Service Descriptions and Standards;
- (10) Co-Payment for CCE and ADI Programs;
- (11) DOEA Coordination with other State/Federal Programs;
- (12) CIRTS;
- (13) Grievance Procedures.

SPECIFIC AUTHORITY: 430.08, 410.021-.029, 410.401-.403, 430.201-.207, 430.204(8), 430.501-.504, 430.601-.608 FS.

LAW IMPLEMENTED: Part 1, Chapter 400, 409.508, 409.906, 409.912, 410.021-.029, 410.401-.403, 430.02(6), 430.03(9), 430.07-.071, 430.201-.207, 430.501-.504, 430.601-.608, 430.701-.709, 744.701-.709 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., July 13, 2005

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Crochet, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

**DEPARTMENT OF ELDER AFFAIRS**

**Alzheimer’s Disease Initiative**

RULE CHAPTER TITLE: Administration of the Alzheimer’s Disease Initiative  
 RULE CHAPTER NO.: 58D-1

PURPOSE AND EFFECT: The purpose of the proposed rule changes are to provide substantial rewording and a new title for the 1994 Department of Elder Affairs (DOEA) Client Programs and Services Manual, incorporated by reference in these rules.

SUBJECT AREA TO BE ADDRESSED: Substantial rewording of the 1994 DOEA Client Programs and Services Manual, incorporated by reference in the above cited rules, will address the following subject areas:

- (1) General Information/Planning Process and Aging Network/Monitoring/Reporting Requirements;
- (2) Case Management Services;
- (3) Aging Resource Centers;
- (4) Older Americans Act;
- (5) Community Care for the Elderly (CCE) Program;
- (6) Alzheimer’s Disease Initiative (ADI) Program;
- (7) Home Care for the Elderly (HCE) Program;
- (8) Disaster Preparedness;
- (9) Service Descriptions and Standards;
- (10) Co-Payment for CCE and ADI Programs;
- (11) DOEA Coordination with other State/Federal Programs;
- (12) CIRTS;
- (13) Grievance Procedures.

SPECIFIC AUTHORITY: 430.08, 410.021-.029, 410.401-.403, 430.201-.207, 430.204(8), 430.501-.504, 430.601-.608 FS.

LAW IMPLEMENTED: Part 1, Chapter 400, 409.508, 409.906, 409.912, 410.021-.029, 410.401-.403, 430.02(6), 430.03(9), 430.07-.071, 430.201-.207, 430.501-.504, 430.601-.608, 430.701-.709, 744.701-.709 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., July 13, 2005

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim

Crochet, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

**DEPARTMENT OF ELDER AFFAIRS**

**Home Care for the Elderly**

RULE CHAPTER TITLE: Home Care for the Elderly Program  
 RULE CHAPTER NO.: 58H-1

PURPOSE AND EFFECT: The purpose of the proposed rule changes are to provide substantial rewording and a new title for the 1994 Department of Elder Affairs (DOEA) Client Programs and Services Manual, incorporated by reference in these rules.

SUBJECT AREA TO BE ADDRESSED: Substantial rewording of the 1994 DOEA Client Programs and Services Manual, incorporated by reference in the above cited rules, will address the following subject areas:

- (1) General Information/Planning Process and Aging Network/Monitoring/Reporting Requirements;
- (2) Case Management Services;
- (3) Aging Resource Centers;
- (4) Older Americans Act;
- (5) Community Care for the Elderly (CCE) Program;
- (6) Alzheimer’s Disease Initiative (ADI) Program;
- (7) Home Care for the Elderly (HCE) Program;
- (8) Disaster Preparedness;
- (9) Service Descriptions and Standards;
- (10) Co-Payment for CCE and ADI Programs;
- (11) DOEA Coordination with other State/Federal Programs;
- (12) CIRTS;
- (13) Grievance Procedures.

SPECIFIC AUTHORITY: 410.021-.029, 410.401-.403, 430.08, 430.201-.207, 430.204(8), 430.501-.504, 430.601-.608 FS.

LAW IMPLEMENTED: Part 1, Chapter 400, 409.508, 409.906, 409.912, 410.021-.029, 410.401-.403, 430.02(6), 430.03(9), 430.07-.071, 430.201-.207, 430.501-.504, 430.601-.608, 430.701-.709, 744.701-.709 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., July 13, 2005

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Crochet, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE CHAPTER TITLE: Florida Elevator Safety Code  
 RULE CHAPTER NO.: 61C-5  
 RULE TITLES: Definitions  
 RULE NOS.: 61C-5.008  
 Continuing Education Requirements 61C-5.0085

PURPOSE AND EFFECT: The purpose of this rule development is to implement the statutory requirements of Chapter 399, Florida Statutes. This rule provides the specifications for continuing education requirements for elevator safety personnel, the submittal, review, and approval of elevator training programs; instructor qualifications; and, the exemption for certain military personnel.

SUBJECT AREA TO BE ADDRESSED: The continuing education requirements for elevator safety personnel.

SPECIFIC AUTHORITY: 399.001, 399.01(17), 399.049 FS.

LAW IMPLEMENTED: 399.01(17) 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: Cathy White, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, FL 32399-1012, (850)488-9098

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-5.008 Definitions.

When used in this rule, the following terms shall have these meanings:

- (1) “Bureau” means the Bureau of Elevator Safety.
- (2) “Course” means a course, seminar or other program of instruction approved by the bureau for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes.
- (3) “Course hour” means fifty minutes of instruction, exclusive of breaks, recesses, or time not spent in instruction.
- (4) “Course provider” means the person or entity approved by and registered with the bureau pursuant to this rule and who is responsible for conducting a course approved pursuant to this rule.

(5) "Course instructor" means the person appointed by the course provider to actually conduct an approved course.

(6) "Session" means each distinct occasion a course is conducted.

(7) "Syllabus" means a detailed outline of the course content to a level of detail that sufficiently demonstrates the relevance required by subsection 61C-5.008(3), F.A.C.

Specific Authority 399.01(17), 399.02(6) FS. Law Implemented 399.01(17) FS. History—New \_\_\_\_\_.

#### 61C-5.0085 Continuing Education Requirements.

##### (1) Continuing Education Requirements.

(a) To renew a credential issued by the bureau under Chapter 399, Florida Statutes that requires continuing education, a person must submit DBPR HR Form 5023-024, entitled Annual Registration Form, incorporated herein by reference and effective 01-01-02, a copy of which is available by writing the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, with proof of completion of 8 hours of continuing education approved by the bureau for renewal of the credential.

(b) A person holding more than one credential issued by the bureau that requires continuing education need only complete 8 hours of continuing education during each annual period, but must submit proof of completion of the continuing education with each DBPR HR Form 5023-024, Annual Registration, submitted.

(c) A person initially certified or registered by the bureau 180 days or more prior to the renewal deadline must complete 4 hours of approved continuing education as a condition of renewal.

(d) A person initially certified or registered by the bureau for less than 180 days prior to the renewal deadline need not complete any approved continuing education as a condition of renewal.

##### (2) Course Provider Approval.

(a) Each course provider must obtain approval by and registration with the bureau to appoint instructors and conduct courses that satisfy continuing education requirements of Chapter 399, Florida Statutes, by submitting a completed application form number DBPR HR Form 5023-017, entitled Continuing Education Course Approval Application, incorporated herein by reference and effective 07-01-02, a copy of which is available by writing the Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1012. Approval shall be granted upon verification that the provider possesses the following: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by the bureau and in good standing;

2. Certification in good standing, pursuant to American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;

3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, Florida Statutes.

(b) A licensed, certified or registered contractor or engineer having five years experience in the elevator industry may, upon verification, be approved as a course provider.

(c) Each course provider approval and registration expires three years from the date of issue, and must be renewed by submitting a completed form number DBPR HR Form 5023-017, Continuing Education Course Approval Application, prior to the course provider conducting any further courses intended to satisfy continuing education requirements of Chapter 399, Florida Statutes.

(d) Each course provider seeking bureau approval must submit at least one continuing education course syllabus to the bureau for approval.

(e) A course provider must provide the bureau written notice of any material changes to information contained in its most recent application for, or renewal of, approval and registration no later than 30 days after such a change.

(f) The bureau shall maintain a list of all course providers it has approved.

(g) The bureau shall deny approval of, suspend, or revoke the registration of any course provider if based on any of the following:

1. Obtaining or attempting to obtain registration or course approval through fraud, deceit, false statements, or misrepresentation of material facts, whether such statements or misrepresentations are made knowingly or negligently.

2. Failure to provide complete and accurate information in the initial application for registration or in any notification of change in information.

3. Failure to notify the bureau of a change in the information required in subsection (4) for registration of course providers.

4. Falsification of any records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

5. Failure to maintain any required records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

6. Failure to properly record attendance at any session of an approved course.

7. Failure to provide the bureau with copies of any document or other information required to be maintained by the course provider pursuant to this rule.

8. Advertising that a course is approved prior to the date approval is granted, or otherwise including false or misrepresentative information in advertising.

9. Participating in any activity designed or intended to circumvent or evade the requirements of Chapter 399, Florida Statutes, or the rules adopted by the bureau to implement that section.

10. Failure to include the bureau course identification number in any advertisement, brochure, course completion certificate, or other marketing or instructional material.

(h) If a course provider's registration is suspended or revoked, the course provider must cancel all sessions scheduled after the suspension or revocation takes effect and refund any fees associated with those sessions until such time as the course provider is restored to good standing.

(i) The bureau may deny approval or renewal of, suspend, or revoke the registration of any course provider when any license prerequisite to approval and registration of the course provider becomes suspended or revoked by the bureau.

(j) A provider whose approval and registration is delinquent, expired, suspended or revoked may not conduct courses. Any courses conducted while a provider is delinquent, expired, suspended or revoked, will not satisfy the continuing education requirements of Chapter 399, Florida Statutes.

#### (3) Continuing Education Course Approval.

(a) To satisfy continuing education requirements of Chapter 399, Florida Statutes and this rule, each approved course provider must submit at least one continuing education course syllabus to the bureau for approval. To be approved as a course of continuing education for purposes of Chapter 399, Florida Statutes and this rule, the course must provide technical or safety relevance to elevator construction, alteration, modification, repair or maintenance.

(b) The following subjects are relevant and provided as a guide. Courses submitted for approval need not encompass all these nor be limited to only these: elevator general theory and principles; plan and specification reading and interpretation; electrical codes; wiring and protection; wiring methods and materials; special occupancies and situations; life safety and Americans with Disabilities Act; current adopted elevator safety codes; inspectors manuals and structural considerations; wheelchair or accessibility lifts; OSHA Safety standards; periodic safety tests; or use of specialized tools and equipment.

(c) Continuing education courses will only be considered for approval when a completed DBPR Form HR 5023-017, Continuing Education Course Approval Application, is submitted by an approved course provider to the bureau. The application must include: total number of hours of the course; a syllabus that demonstrates topical relevance of the course and includes an accounting of time spent on each topic or subsection in increments of not less than a quarter hour; the

name and qualifications of all instructors known at the time of the application. The bureau shall assign each approved course a unique identification number.

(d) Any course denied approval may be modified and resubmitted for approval.

(e) The bureau may not deny or withdraw approval for a course on the sole basis that another course provider conducts the same or similar course approved by the bureau.

#### (4) Course Instructor Qualifications.

(a) Course instructors must be affiliated with an approved course provider and possess education and experience that qualifies the instructor to teach the course or parts of the course to which he or she is assigned. This education and experience must be verified by the course provider, and consist of the following: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by and in good standing with the bureau;

2. Current certification under the American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;

3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, Florida Statutes.

(b) A licensed, certified or registered contractor or engineer having five years experience in the elevator industry verified by the course provider, and whose license, certification, or registration is in good standing, also verified by the course provider, may teach a course within the scope of his or her license.

#### (5) Records Required of Course Providers.

(a) The course provider must maintain records for each session of courses it conducts for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes, and provide any of these required records upon request by the bureau. Such records must be maintained for three years, and contain the following:

1. The time, dates and address of each course session.

2. The name, address and qualifications of any instructor teaching any portion of a course session.

3. The syllabus of each course, which must be provided to each attendee.

4. The name, address and bureau certification or registration number and type of each person that completed a course session, regardless of whether a fee is charged.

5. The original sign-in sheet used onsite to record attendance for each course session, which must include: the time, date and address of the course session, the attendee's printed name, signature, and bureau certification or registration number and type, and number of course hours the attendee



completed. The sign-in sheet must prominently bear the following statement above the attendees information: "By affixing my name and/or signature and/or mark to this document, I attest and certify that I am correctly and accurately identified herein as the person attending this continuing education course session." The sign-in sheet must also bear the following statement: "I attest the information recorded herein is true and accurate" above the signature of the instructor and the printed names of the course provider and instructor.

(b) Upon completion of a course, each attendee shall receive from the course provider a certificate measuring 8 1/2 inches by 11 inches, displaying the following: the time, date and address of the course session; name of the course; number of course hours attended; the name of the course provider and instructor, and bureau course identification number.

(6) Advertising Continuing Education Courses.

(a) A course provider may not advertise a course as approved by the bureau until such approval is granted.

(b) A course provider may not misrepresent or include false or misleading information regarding the contents, instructors or number of hours of any course approved under this rule.

(c) The course provider must include the bureau course identification number in any advertising used in connection with the course, and any other materials used in connection with the course including but not limited to the syllabus or other instructional materials.

(7) Continuing Education Exemption for Certain Military Personnel.

A licensee who is a member of the Armed Forces of the United States or is called to active duty with the Armed Forces of the United States and is caused to be absent from the State of Florida because of duties with the armed forces lasting 180 days or longer shall be exempt from all continuing education requirements under these rules during such absence. The licensee must show proof to the bureau of the absence and the licensee's military status.

Specific Authority 399.001, 399.01(17), 399.02(6), 399.049 FS. Law Implemented 399.01(17) 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 Clinical Laboratory Personnel**

RULE TITLE: Application Fees  
 RULE NO.: 64B3-9.001

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

SUBJECT AREA TO BE ADDRESSED: Application Fees.

SPECIFIC AUTHORITY: 456.025, 483.807(1) FS.

LAW IMPLEMENTED: 456.025, 483.807, 483.815 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 Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-9.001 Application Fees.

(1) Trainee – \$20.

(2) Licensure application – \$100.

(3) Clinical laboratory personnel training program – \$200.

(4) Continuing education provider – \$250.

(5) Public Health Science Technician – \$100.

~~(6) Wall certificate – \$25.~~

Specific Authority 456.025, 483.807(1) FS. Law Implemented 456.025, 483.807, 483.815 FS. History--New 12-7-93, Formerly 61F3-9.001, 59O-9.001, Amended 5-26-98, 5-13-99, 6-10-99, 3-9-00, 4-29-02, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Mandatory HIV/AIDS Education  
 RULE NO.: 64B3-11.005

for Initial Licensure and Renewal  
 PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Mandatory HIV/AIDS Education for Initial Licensure.

SPECIFIC AUTHORITY: 483.823 FS.

LAW IMPLEMENTED: 456.033(6), 483.823 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-11.005 Mandatory HIV/AIDS Education for Initial Licensure and Renewal.

Applicants for initial licensure and renewal shall complete a one hour HIV/AIDS continuing education course pursuant to Section 381.0034, F.S., which shall:

- (1) through (3) No change.

Specific Authority 483.823 FS. Law Implemented 456.033(6), 483.823 FS. History—New 12-6-94, Amended 12-4-95, 7-1-97, Formerly 59O-11.005, Amended 10-12-03,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Electrolysis Council**

RULE TITLE: Manner of Application

RULE NO.: 64B8-51.001

PURPOSE AND EFFECT: The Council proposes to amend this rule to add the requirement that official transcripts from a school of electrology must identify the credits taken by home study or correspondence courses and those taken in classroom settings.

SUBJECT AREA TO BE ADDRESSED: Manner of Application.

SPECIFIC AUTHORITY: 478.43(1),(4) FS.

LAW IMPLEMENTED: 478.45 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-51.001 Manner of Application.

- (1) No change.

(2) All applications must include an official transcript from a school of electrology which identifies the credits taken by home study or correspondence courses and those taken in classroom settings.

- (2) through (4) renumbered (3) through (5) No change.

Specific Authority 478.43(1),(4) FS. Law Implemented 478.45 FS. History—New 5-31-93, Formerly 21M-76.001, Amended 11-10-93, Formerly 61F6-76.001, Amended 5-29-96, Formerly 59R-51.001, Amended 12-23-97, 5-28-00, 8-9-01, 2-15-04,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: Definitions

RULE NO.: 64B14-3.001

PURPOSE AND EFFECT: The Board intends to review the definitions to ascertain if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 468.802, 468.803, 468.807, 468.808, 468.809 FS.

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

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

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32202

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLE: Procedure for Reactivation of Retired Status

RULE NO.: 64B18-13.010

PURPOSE AND EFFECT: The Board proposes the Rule Development for Legislation from 2005 Session to implement Court Supplement for Senate Bill 410 Section 3 effective July 1, 2005.

SUBJECT AREA TO BE ADDRESSED: Registration Requirements of Podiatric Residents.

SPECIFIC AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 461.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE TITLE: Registration Requirements of Podiatric Residents

RULE NO.: 64B18-16.006

PURPOSE AND EFFECT: The Board proposes the Rule Development for Legislation from 2005 Session to implement Court Supplement for Senate Bill 478 effective July 1, 2005.

SUBJECT AREA TO BE ADDRESSED: Registration Requirements of Podiatric Residents.

SPECIFIC AUTHORITY: 461.005, 461.014(3) FS.

LAW IMPLEMENTED: 461.014(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**School Psychology**

RULE TITLE: Application Fees

RULE NO.: 64B21-501.005

PURPOSE AND EFFECT: To update the rule based upon new legislation.

SUBJECT AREA TO BE ADDRESSED: Application Fees.

SPECIFIC AUTHORITY: 490.015, 456.013 FS.

LAW IMPLEMENTED: 490.005, 490.006, 456.036(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paula Jones, Programs Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE CHAPTER TITLE: Epilepsy Services Program

RULE CHAPTER NO.: 64F-9

PURPOSE AND EFFECT: The Department proposes to review the existing language in the entirety of this chapter to determine if amendments and/or new rules are necessary.

SUBJECT AREA TO BE ADDRESSED: The new rules and/or rule amendments will address all aspects of the Epilepsy Program, including, but not limited to, the definitions, eligibility criteria, and applicable forms.

SPECIFIC AUTHORITY: 385.207 FS.

LAW IMPLEMENTED: 385.207 FS.

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: Sheryl Mosley, 4052 Bald Cypress Way, Bin A18, Tallahassee, Florida 32399 or Janet Baggett, 4052 Bald Cypress Way, Bin #A18, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Division of Health Access and Tobacco**

RULE CHAPTER TITLE: Brain and Spinal Cord Injury Program (BSCIP) General Program and Central Registry

RULE CHAPTER NO.: 64I-1

RULE TITLES: Definitions Services

RULE NOS.: 64I-1.001 64I-1.002

PURPOSE AND EFFECT: To place in rule definitions used in Sections 381.739-381.79, F.S., and services specific to eligible applicants.

SUBJECT AREA TO BE ADDRESSED: Eligibility.

SPECIFIC AUTHORITY: 381.0011 FS.

LAW IMPLEMENTED: 381.76 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, 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: Stephanie Brown, Department of Health, 4052 Bald Cypress Way, Bin #C25, Tallahassee, Florida 32399-1744

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64I-1.001 Definitions.

(1) Definitions for terms used in Sections 381.739-.79, F.S., and this rule, consistent with Section 381.745, F.S.

(a) Appropriate Level of Functioning in the Community: Maintaining oneself in a community of one's informed choosing by performing all activities of daily living, independently, or with support, but without the need for services.

(b) External Trauma: A trauma from a source external to the body that causes the injury solely by the force of the trauma, not through an intervening biological process such as blood clot, blood loss, or lack of oxygen.

(c)(2) Legal Resident: A person who currently lives in Florida, has the present intent to remain in Florida indefinitely, and has lawful permanent presence in the United States of America.

(d) Medically Stable: The applicant's mental and physical health are sufficiently stable so that BSCIP can make a determination as to whether the applicant is otherwise eligible for the General Program.

(e) Moderate to Severe Brain Injury: Glasgow 12 and below or Rancho 8 and below.

(f) Reintegration into the Community: Maintaining oneself in a community by performing all activities of daily living, independently, or with support, but without the need for services.

(2) Additional definitions for terms used in this rule, consistent with Section 381.745, F.S.

(a) Applicant: A person requesting determination of eligibility for the General Program.

(b) Community: A location no more restrictive than an assisted living facility licensed under Chapter 400, Part III, F.S.

(c) Eligible Person: A person determined eligible for the General Program.

(d) General Program: The program for which eligibility is determined under Section 381.76, F.S.

(e) Glasgow Coma Scale Score (Glasgow): The neurological assessment developed by G. Teasdale and B. Jennitte in "Assessment of Coma and Impaired Consciousness: A Practical Scale," Lancet 1974; 22: 81-84. A copy of the Glasgow may be obtained from the Department of Health, Brain and Spinal Cord Injury Prevention Program, 4052 Bald Cypress Way, Bin C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

(f) Rancho Los Amigos Scale, revised (Rancho): A cognitive functioning scale to determine the level or severity of a brain injury based on observations of the patient's response to external stimuli. Original Scale co-authored by Chris Hagen, Ph.D., Danese Malkmus, M.A., Patricia Durham, M.A. Communication Disorders Service, Rancho Los Amigos

Hospital, 1972. Revised 11/15/74 by Danese Malkmus, M.A., and Kathryn Stenderup, O.T.R. Revised scale 1997 by Chris Hagen. A copy of the Rancho may be obtained from the Department of Health, Brain and Spinal Cord Injury Prevention Program, 4052 Bald Cypress Way, Bin C-25, Tallahassee, Florida 32399-1744 and which is incorporated herein by reference.

(g) Services: Services provided by the General Program.

Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History--New 5-9-05, Amended \_\_\_\_\_.

64I-1.002 Services.

(1) All Services must be directed specifically to an individual applicant or eligible person by prior authorization of BSCIP.

(2) Services can be delivered to an applicant only to the extent necessary to determine eligibility for the General Program; and does not include:

(a) Upgrading, replacement or maintenance of a durable medical device;

(b) Maintenance of consumables (those items for which the very act of using destroys their further use), except in support of services, and then only during a twenty four (24) month period beginning with the first time such maintenance is authorized;

(c) Change in circumstances not directly related to the applicant or eligible person's brain or spinal cord injury and capable of repetition throughout the life of the applicant or eligible person. Examples of changes in circumstances capable of repetition include moving to another location, obtaining a vehicle or, except in the case of a person below the age of eighteen, the loss of a caregiver; or

(d) Any that require approval under federal law, such as human subject research.

(3) The applicant shall be determined ineligible for the General Program if the applicant:

(a) Is determined eligible for the state vocational rehabilitation program funded under the Rehabilitation Act of 1973, as amended;

(b) Does not require services to achieve reintegration into the community;

(c) Is below Rancho 4 or otherwise is not reasonably expected to achieve reintegration into the community through services; or

(d) Is otherwise categorically ineligible under the statutory criteria.

(4) The eligible person's case shall be closed if the eligible person is:

(a) Determined eligible for the state vocational rehabilitation program funded under the Rehabilitation Act of 1973, as amended, except that such case shall remain open solely for case management if such is required;

(b) Is at an appropriate level of functioning in the community; or

(c) Is not reasonably expected to return to an appropriate level of functioning in the community through services.

(5) Previous closure under paragraph (3)(b) or (4)(b) above does not prevent an individual from becoming an applicant.

Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History—New

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

RULE TITLES:	RULE NOS.:
Hardship Exemptions to Assistance	
Time Limitations	65A-4.201
Calculation of Assistance Time Limits	65A-4.202
Determination of Continued Eligibility	65A-4.219

PURPOSE AND EFFECT: The 2005 Florida Legislature amended Section 414.105, F.S., to support department efforts to simplify Economic Self-Sufficiency policy by striking language requiring interim time limits (24 cumulative months in any 60-month period or 36 cumulative months out of any consecutive 72-month period) with multiple exceptions and extensions within a 48-month lifetime limit to receive temporary cash assistance (TCA). It also struck language in Section 414.105(3), F.S., related to earned months of TCA eligibility for participation in outpatient mental health or substance abuse treatment.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments provide for a standardized 48-month lifetime limit on receipt of TCA and the removal of language related to interim time limits and earned months. Rule 65A-4.201, F.A.C., will be amended to remove language related to interim time limits and earned months of TCA eligibility. Rule 65A-4.202, F.A.C., will be repealed, as the statutory language for earned months no longer exists. Rule 65A-4.219, F.A.C., will be repealed, as determination of continued eligibility for receipt of TCA is duplicative of language in subsection 65A-1.205(2), F.A.C.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.105 FS.

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

TIME AND DATE: 10:30 a.m., July 20, 2005

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, (850)921-0253

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-56.001
Definitions	67-56.002
Application and Selection Procedures for Developments	67-56.003
Applicant Administrative Appeal Procedures	67-56.004
Fees	67-56.005
Credit Underwriting and Loan Procedures	67-56.006
Miscellaneous Criteria	67-56.007
General Program Procedures and Restrictions	67-56.008
Additional Application Ranking and Selection Procedures	67-56.009
Terms and Conditions of Loans	67-56.010
Sale, Refinancing or Transfer of a Development	67-56.011
Construction Disbursements and Permanent Loan Servicing	67-56.012

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall administer the application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Rental Recovery Loan Program (RRLP) authorized by Ch. 2005-92, L.O.F.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the application and program requirements for the Rental Recovery Loan Program, as specified in Emergency Rules 67ER05-1 through 67ER05-19.

SPECIFIC AUTHORITY: Ch. 2005-92, L.O.F.

LAW IMPLEMENTED: Ch. 2005-92, L.O.F.

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

TIME AND DATE: 10:00 a.m., July 8, 2005

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Stephen P. Auger, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEBSITE: www.floridahousing.org

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Application of the Valuation of Life Insurance Policies  
RULE NO.: 69O-164.030

PURPOSE AND EFFECT: To provide direction as to the application of Rule 69O-164.020, F.A.C., to various product designs.

SUBJECT AREA TO BE ADDRESSED: The application of Rule 69O-164.020, F.A.C.

SPECIFIC AUTHORITY: 624.308(1), 625.121(5)(j) FS.

LAW IMPLEMENTED: 624.307(1), 625.121(5)(j) 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 11, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: kerry.krantz@fldfs.com

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

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Forestry**

RULE TITLES:	RULE NOS.:
Definitions	5I-2.003
Open Burning Not Allowed	5I-2.004
Open Burning Allowed	5I-2.006

PURPOSE AND EFFECT: The purpose of the proposed rule is to amend Rules 5I-2.003, 5I-2.004 and 5I-2.006, F.A.C., in order to simplify and clarify the open burning rules and procedures. Additionally the duties, responsibilities, benefits along with the re-certification process of the Florida Prescribed Burn Manager Program are included in this revision.

SUMMARY: The proposed rule deletes definitions that are no longer necessary, and adds some new definitions to further clarify the rule. Defines under what conditions the Division can withhold authorizations when public health and safety are threatened. The proposed rule separates and defines the obligations of individuals (Certified and Un-Certified) requesting authorization to burn from the Division of Forestry. The language of the proposed rule has been simplified to facilitate the understanding of all Floridians. There has been a clearer distinction made in this rule between acreage burns (broadcast) and pile burning.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There are no anticipated additional costs associated with this change.

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: 570.07(23),(28), 590.125(3)(e) FS.

LAW IMPLEMENTED: 570.07(28), 570.548, 590.02(1)(b), 590.125(2),(3) FS.

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

TIME AND DATE: 9:00 a.m., July 22, 2005

PLACE: Doyle Conner Building, George Eyster IV Auditorium, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. James D. Brenner, Fire Management Administrator, Florida Division of Forestry, Department of Agriculture and Consumer Services, Room 160, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-6480

THE FULL TEXT OF THE PROPOSED RULES IS:

~~RURAL~~ OPEN BURNING

5I-2.003 Definitions.

(1) "Agricultural Burning" is the burning of vegetative material originating on site in conjunction with the cultivation of land, and including: gardening or horticulture, fruit growing, raising of vegetables, trees, shrubs, plants, pastures or rangeland.

(2) "Air Curtain Incinerator" is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.

(3) "Air Pollution" is the presence in the outdoor atmosphere of any one or more substances or contaminants in quantities which are potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation, unless specifically exempted ~~excepted~~ by state statute.

~~(4)(6)~~ "Air Pollution Episode" means a day on which generally unhealthy air (an Air Quality Index value of 151 or greater) occurs or is forecast to occur by the Department of Environmental Protection (DEP) temporary prohibition of open burning activities by the Department of Environmental Protection that is based upon a forecast of a stagnant atmospheric meteorological condition not allowing the dispersion of air pollutants.

~~(5)(4)~~ "Certified Prescribed Burn Manager" is an individual who successfully completes the certification program of the Division and possesses a valid certification number.

~~(6)(5)~~ "Department" is the Department of Agriculture and Consumer Services. ~~Department of Environmental Protection Stagnation Advisory.~~

(7) "Dispersion Index" is a numerical index from 0 to infinity supplied daily by National Weather Service (NWS), that estimates the atmosphere's capacity to distribute particles and gases emitted by a wildland fire of any type. The Dispersion Index has two scales, one for day and one for night. Indices that exceed 40 are generally considered acceptable for burning for the day, and indices that exceed 8 are generally considered acceptable at night.

(8) "Division" is the Florida Division of Forestry.

(9) "Excessive Visible Emissions" are air pollutants emitted in such quantity as to exceed a DEP opacity standard, as determined by a visible emissions observer certified pursuant to Rule 62-297.320, F.A.C., or reduce any observer's view to less than 100 feet.

(10) "Extinguished" means ~~the absence of any visible flames, smoke or emissions~~ that no spreading flame for wildland burning or certified prescribed burning, and no visible flame, smoke or emissions for vegetative land-clearing debris burning, exist.

(11) "Fine Fuel Moisture" is the amount of moisture, usually expressed as a percentage, found in fast drying, dead fuels such as grass, leaves, draped pine needles, and very small diameter (less than 1/4 inch) twigs.

(12) "Flame Length" is the distance between the flame tip and the base of the flame measured generally at the ground surface.

(13) "Land Clearing Debris" is uprooted or cleared vegetation resulting from a land clearing operation including untreated wood, e.g., old fence posts, and does not include yard trash.

~~(14)(13)~~ "Land Clearing Operation" means the uprooting or clearing of vegetation in connection with construction for buildings and rights-of-way, land residential, industrial development, or mineral operations, but does not include yard trash.

~~(15)(14)~~ "Mixing Height", as supplied daily by the National Weather Service, is the height above the land surface in feet to which relatively vigorous mixing of the atmosphere occurs.

~~(16)(15)~~ "National Weather Service Air Stagnation Advisory" is an advisory issued by the National Weather Service (NOAA) to caution local and regional agencies on meteorological conditions expected to persist for at least 36 hours, which are conducive to poor dispersion.

~~(17)(16)~~ "Occupied Building" means any building that serves as a primary residence, meeting place, or place of business that does not have a lengthy cessation of occupancy.

~~(18)(17)~~ "Open Burning" means any outdoor fire or open combustion of material which produces visible emissions.

~~(19)(18)~~ "Pile Burning" is any burning of silvicultural, agricultural, or land clearing and tree cutting debris burning, originating on site that has been stacked together in a round or linear (windrow) fashion.

~~(20)(19)~~ "Prescribed Burning" means the controlled application of fire, in accordance with a written following a prescription for, to vegetative fuels, under specified environmental conditions while, and following appropriate precautionary measures that ensure that the, which causes the fire is to be confined to a predetermined area to and accomplish planned fire or land management objectives.

~~(21)(20)~~ "Prescription" is a written plan establishing the necessary that establishes criteria for starting, controlling, and extinguishing completing a prescribed burn.

~~(22)(21)~~ "Relative Humidity" is the ratio, expressed as a percentage of the amount of moisture in the air, to the maximum amount of moisture the air is capable of holding under the same conditions.

~~(23)~~(22) “Refractory Lined” means any non-metallic ceramic substance that is suitable for use as structural material at high temperatures and is used in Air Curtain Incinerators.

~~(24)~~(23) “Residential Pile Burning Operation Land Clearing” is a pile burning land-clearing operation that is conducted by a landowner or an individual contracted by the landowner for an existing or planned residential dwelling of not more than two family units for the purpose of clearing vegetation on the property for not more than two family units. This does not include the burning of yard trash. The removal and destruction of shade trees due to storm or insect damage and the clearing of vegetation to enhance property value and aesthetics, is included as a residential land-clearing operation.

~~(24)~~“Rural Land Clearing” is any land-clearing conducted in areas other than urban service areas or residential areas, incorporated or unincorporated cities or towns, or in any rural areas as designated by the Department and shall not include any land-clearing operation that is associated with silvicultural or agricultural activities.

~~(25)~~“Rural Land Clearing Debris” is uprooted or cleared vegetation resulting from a land-clearing operation and does not include yard trash.

~~(25)~~(26) “Silviculture” is a forestry operation that phase of forestry dealing with the establishment, development, reproduction, and care of forest flora and fauna.

~~(26)~~(27) “Smoke Sensitive Areas” are areas designated by the Division of Forestry areas within which, for reasons of visibility, health or human welfare, smoke could adversely have an impact public safety e.g., interstates, urban areas, airports, and hospitals.

~~(27)~~(28) “Spreading” is continued lateral movement of the fire into unburned fuels.

~~(28)~~(29) “Sunset” is the official time the sun will set sunset as set forth by the U. S. Naval Observatory (tables are available at National Weather Services offices).

~~(29)~~(30) “Surface Wind Speed” is wind speed in miles per hour measured 20 feet above the average local vegetation. Wind speeds supplied by the National Weather Service are “Surface Wind Speeds”.

~~(30)~~(31) “Transport Wind Speed” is a measure of the average rate, in miles per hour of the horizontal movement of air throughout the mixing layer.

~~(31)~~(32) “Trash” means waste materials resulting from the construction, renovation or demolition of a structure, construction or demolition debris, and other debris such as paper, cardboard, packing material, pharmaceuticals, cloth, glass, street sweepings, vehicle tires and other like matter. The definition does not include land clearing debris, tree cutting debris, or yard trash.

~~(32)~~ “Treated Wood” means wood coated or infused with paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate (CCA), or other wood preservatives or treatments.

~~(33)~~ “Tree cutting debris” is debris consisting of trees, tree stumps, and tree limbs resulting from a tree removal or tree trimming operation that is conducted by the homeowner or an individual contracted by the homeowner of an existing residential dwelling of not more than two family units. It does not include yard trash.

~~(34)~~ “Untreated Wood” means wood (including lighter pine, tree trunks, limbs and stumps, shrubs, and lumber) which is free of paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate (CCA), and other wood preservatives or treatments.

~~(35)~~(33) “Windrow” means a long row of vegetative material originating on the site left to dry before burning.

~~(36)~~(34) “Yard Trash” (Yard Waste Chapter 62-256, F.A.C.) means vegetative matter resulting from landscaping and yard maintenance operations and other such routine property cleanup activities. It includes materials such as leaves, tree and shrub trimmings, grass clippings, brush, and palm fronds, trees and tree stumps.

Specific Authority 570.07(23),(28), 590.125(3)(e) FS. Law Implemented 570.07(28), 570.548, 590.02(1)(b), 590.125(2),(3) FS. History—New 7-1-71, Formerly 17-5, 7-1-75, 51-2.03, Amended 1-9-91, 8-9-93, 8-16-95, 10-18-99,

5I-2.004 Open Burning Not Allowed.

(1) Listed below are the types of open burning not allowed in Florida:

(a) Any open burning ~~not~~ disallowed by Rule Chapters 5I-2 and 62-256, F.A.C. or Chapters 590 and 403, Florida Statutes.

(b) Open burning of biological waste, hazardous waste, asbestos containing materials, mercury-containing devices, pharmaceuticals, tires, rubber material, Bunker C residual oil, used oil, asphalt, roofing material, tar, treated wood, railroad cross-ties, other creosoted lumber, plastics (except for those authorized in subsection 62-256.700(6), F.A.C. and Section 403.707, F.S.), garbage, or trash other than yard trash as provided in subsection 62-256.700(1), F.A.C., except that structures may be burned for the training of fire fighters in accordance with subsection 62-256.700(4), F.A.C.; waste pesticide containers may be burned in accordance with subsection 62-256.700(5), F.A.C.; polyethylene black plastic mulch and untreated wood pallets used in agriculture may be burned in accordance with subsection 62-256.700(7), F.A.C.; and animal carcasses may be burned in accordance with subsection 62-256.700(6), F.A.C and household paper products.

(c) Open burning that reduces visibility at a public airport, unless the airport in question has been contacted and has agreed to control air traffic during burning activities to avoid any possible smoke related problems.

(d) Open burning when an air pollution episode exists or is forecast to occur the Department of Environmental Protection (DEP) determines that ambient air concentrations of total



~~regulated particulate matter or ozone exceeds or potentially may exceed the primary or secondary standards for these pollutants or DEP issues an air quality/stagnation advisory that pertains to the National Ambient Air Quality Standards (NAAQS).~~

(e) Open burning during a National Weather Service Air Stagnation Advisory.

(f) Open burning which reduces visibility on public roadways to less than one thousand feet (1000) unless the regulating authorities have agreed given their permission to control traffic, or have delegated the authority to control traffic.

(g) Burning in smoke sensitive areas between one hour before sunset and 9:00 a.m. the next day.

(h) All open burning when the Division of Forestry determines that the fire poses a threat to public health, safety, and property protection.

(i) Open burning when the Division of Forestry determines that atmospheric or meteorological conditions indicate improper dispersion of smoke that threaten public health, safety, or general welfare, or which would obscure visibility of vehicular or air traffic, or violates the condition of the authorization, or burning prescription.

(j) Open Burning where the radiant/convective heat from the burning has the potential to damage structures in proximity to the burn.

(2) Open burning authorizations will be denied to any burner who repeatedly violates Florida law or agency rules. This denial remains in effect until the concern that caused the denial has been mitigated in consultation with the Division of Forestry District/Center Mmanager field unit.

~~(3) Open burning whenever atmospheric or meteorological conditions indicate improper dispersion of smoke that threaten public health, safety, or general welfare, or which would obscure visibility of vehicular or air traffic, or violates the condition of the authorization, or burning prescription.~~

Specific Authority 570.07(23),(28) FS. Law Implemented 570.07(28), 570.548, 590.02(1)(b), 590.125(2), (3) FS. History--New 7-1-71, Formerly 17-5, 7-1-75, 51-2.04, Amended 9-8-93, 8-16-95, 10-18-99, \_\_\_\_\_.

#### 51-2.006 Open Burning Allowed.

(1) Open Burning in General. Authorization must be obtained from the Florida Division of Forestry for burns relating to agriculture, silviculture and pile burning rural land clearing on the same day the burn is to take place or after 4:00 p.m. of the previous day. The Division of Forestry may set special requirements for authorizations in order to protect public health and safety, including but not limited to on site inspections, restricting wind direction, limiting the burning period, requiring specific personnel and control equipment on site. Any authorized burn that goes out of compliance, but has not escaped the authorized area will be allowed a maximum of two hours to be brought into compliance by the person

responsible. In the event that the Division determines that there is a threat to life, public safety or property, immediate suppression action will be taken by the Division of Forestry.

(a) Daytime Non-Certified Daytime Authorizations will be issued for the burning to be conducted from 8:00 a.m. CT and 9:00 a.m. ET and the fire must discontinue spreading one hour before sunset ~~except for Certified Prescribed Burn Managers.~~

(b) Nighttime Non-Certified Nighttime Authorizations will be issued with a Dispersion Index of 8 or above ~~(except for Certified Prescribed Burn Managers)~~ for the burning to be conducted between one hour before sunset and 8:00 a.m. CT or 9:00 a.m. ET the following morning. Ignition of these fires is authorized up to midnight CT or ET (specific to the time zone where the fire is located), however the fire can continue to spread until 8:00 a.m. CT or 9:00 a.m. ET the following day. If additional time is required a new daytime authorization ~~(daytime)~~ must be obtained from the Division.

(2) Open Burning for Certified Prescribed Burn Managers (CPBM). (All burning conducted under this section is related to broadcast burning for the purposes of: must relate to Silviculture, Wildlife Management, Ecological Maintenance and Restoration, and Range and Pasture Management. ~~Burning in accordance with this section entitles the burner to the protection offered in Section 590.125(3)(c), Florida Statutes.)~~ Open burning authorizations under this section require the Certified Prescribed Burn Manager's certification number be presented at the time of the request, and that a Certified Prescribed Burn Manager be on site for the entire burn.

(a) Prescription. A prescription for the burn must be completed prior to any ignition and it must be on site and available for inspection by a Department representative. The burn must proceed in accordance with the prescription parameters. The prescription will contain, as a minimum, (unless agreed to in writing locally between the burner and the District or Center Manager of the Division of Forestry) the following:

1. Stand or Site Description;
2. Map of the area to be burned;
3. Number of personnel and equipment types to be used on the prescribed burn;
4. Desired weather factors, including but not limited to surface wind speed and direction, transport wind speed and direction, minimum mixing height, minimum relative humidity, maximum temperature, and the minimum fine fuel moisture;
5. Desired fire behavior factors, such as type of burn technique, flame length, and rate of spread;
6. The time and date the prescription was prepared;
7. The authorization date and the time period of the authorization;
8. An evaluation and approval of the anticipated impact of the proposed burn on related smoke sensitive areas;

9. The signature and number of the Certified Prescribed Burn Manager.

(b) Open Burning Hours

1. Daytime CPBM Authorizations will be issued for the burning to be conducted from 8:00 a.m. CT and 9:00 a.m. ET and the fire must discontinue spreading one hour after sunset.

2. Nighttime CPBM Authorizations will be issued with a Dispersion Index of 6 or above for the burning to be conducted between one hour before sunset and 8:00 a.m. CT and 9:00 a.m. ET the following day. Ignition of these fires is authorized up to midnight, however the fire can continue to spread until 8:00 a.m. CT and 9:00 a.m. ET the following day. If additional time is required a new authorization (daytime) must be obtained from the Division. The Division may issue authorizations at other times, in designated areas, when the Division has determined that atmospheric conditions in the vicinity of the burn will allow good diffusion and dispersement of ~~air pollutants~~ emissions, and the resulting smoke from the burn will not adversely impact ~~critical~~ smoke sensitive areas, e.g., highways, hospitals and airports.

(c) Burn Manager Certification Process. Certification to become a Certified Prescribed Burn Manager is accomplished by:

1. Satisfactory completion of the Division of Forestry's Prescribed Fire Correspondence Course and direct experience in three prescribed burns prior to taking the course or;

2. Satisfactory completion of the Division of Forestry's Prescribed Fire Classroom version of the Correspondence Course and a minimum of managing three prescribed burns prior to taking the course or;

~~3.2.~~ Satisfactory completion of the Florida Inter-Agency Basic Prescribed Fire Course and direct experience in three prescribed burns following successful completion of the classroom training. The burns conducted during the training do not count as part of this three burn requirement.

4. Applicants must submit a completed prescription for a proposed certifying burn to their local Florida Division of Forestry office prior to the burn for review and approval, and have the burn described in that prescription reviewed by the Division of Forestry during the burn operation. The local Division of Forestry District Manager (or their designee) will recommend DOF Prescribed Burn Manager certification upon satisfactory completion of both the prescription and required number of burns.

~~5.3.~~ In order to continue to hold the Division of Forestry Prescribed Burn Manager Certification the burner must comply with paragraph 5I-2.006(2)(d), F.A.C., or Division Certification will terminate five years from the date of issue.

(d) Certification Renewal. A Certified Prescribed Burn Manager must satisfy the following requirements in order to retain certification.

1. Participation in a minimum of eight hours of Division of Forestry approved training every five years relating to the subject of prescribed fire, or participation in a Division of Forestry recognized Fire Council Meeting, North/Central Prescribed Fire Council or South Florida Fire Council Meeting and

2. The Certified Prescribed Burn Manager has submitted their certification number for two completed prescribed burns in the preceding five (5) years, or

3. Participation in five (5) burns and have this documented and verified in writing to the Forest Protection Bureau's Prescribed Fire Manager of the Division of Forestry by a current Certified Prescribed Burn Manager, or

4. Retaking either the Prescribed Fire Correspondence Course or the Inter-Agency Basic Prescribed Fire Course.

(e) Decertification. The Commissioner of Agriculture will revoke any Certified Prescribed Burn Manager's certification if they demonstrate that their practices and procedures repeatedly violated Florida law or agency rules or is a threat to public health, safety, or property. Recommendations for decertification by the Division of Forestry to the Commissioner of Agriculture will be based on the Certified Burner Violations – Point Assessment Table located at: [http://www.fl-dof.com/wildfire/wf\\_pdfs/CBMpoints.pdf](http://www.fl-dof.com/wildfire/wf_pdfs/CBMpoints.pdf).

(3) Pile Burning. Piles or windrows shall not be ignited before 8:00 a.m. CT or 9:00 a.m. ET and have no visible flame one hour before sunset or anytime thereafter, except in smoke sensitive areas where the piles must be extinguished with no visible emissions one hour before sunset. The size and number of piles shall be dictated by the materials to be burned and the time available for burning. All pile burning must adhere to the following: Pile/Windrow Burning.

(a) The moisture content and composition of the materials to be burned shall be favorable to good burning which will minimize emissions. The amount of dirt in the piles or rows shall be minimized to enhance combustion and reduce emissions, and General. Piles or windrows shall not have visible flame one hour before sunset or anytime thereafter, except in smoke sensitive areas where the piles must be completely extinguished one hour before sunset. The size and number of piles shall be dictated by the materials to be burned and the time available for burning.

~~1. The moisture content and composition of the materials to be burned shall be favorable to good burning which will minimize air pollution. The amount of dirt in the piles or rows shall be minimized to enhance combustion and reduce emissions.~~

~~2. The pile burning must be set back one hundred (100) feet from any paved public highway and the prevailing winds will direct the smoke away from any occupied buildings or roads.~~

(b) The pile or windrow burning must be set back one hundred (100) feet from any paved public roadway and the prevailing winds will direct the smoke away from any occupied buildings (other than the landowners) or roads. Pile burning for paved public road maintenance and widening is exempt from the 100 foot set back as long as the visibility on the roadway is not reduced to less than 1,000 feet, and Agriculture and Silvicultural Pile/windrow burning must be set back three hundred (300) feet from any occupied building except the landowner's buildings.

(c) The pile burning is attended at all times, and Rural Land Clearing. Open burning of wooden material or vegetation generated by a land clearing operation is allowed provided that all of the following conditions are met:

1. The open burning meets one of the following setback requirements:

a. ~~Residential Land Clearing must be set back three hundred (300) feet or more away from any occupied building for residential land clearing, and clearing for residential enhancement of property value and aesthetics, or~~

b. ~~Non Residential with Air Curtain must be setback three hundred (300) feet or more from any occupied building if an air curtain incinerator is used, or~~

e. ~~Non Residential without Air Curtain must be setback one thousand (1000) feet or more away from any occupied building if air curtain incinerator is not used and the operation is not residential land clearing, or~~

d. ~~Exception to Setbacks – An exception to the setbacks in sub-subparagraph 5I-2.006(3)(c)1.a., b., and e., F.A.C., will be granted if the affected parties agree in writing to allow the burn to take place.~~

2. ~~The use of Air Curtain Incinerators is allowed for the combustion of land clearing debris. No Department of Environmental Protection permits are required for air curtain incinerators that are designed and used as portable units and that will operate on any one site for less than six months in any year. Prior authorization to use a portable Air Curtain Incinerator must be obtained from the Division of Forestry. Operation of portable Air Curtain Incinerators shall be authorized provided that the following conditions are met:~~

a. ~~Pit width, length, and side walls shall be properly maintained so that the combustion of the waste within the pit will be maintained at an adequate temperature and with sufficient air re-circulation to provide enough residence time and mixing for complete combustion and control of emissions. Pit width shall not exceed twelve (12) feet, and vertical side walls shall be maintained.~~

b. ~~No waste will be burned above the level of the air curtain in the pit.~~

e. ~~Excessive visible emissions are not allowed except for a period of up to 30 minutes during start ups and shutdowns.~~

3. ~~Air Curtain Incinerators that are intended to be stationary units, i.e., continuously operate at one site for more than six months, or operate at any Department of Environmental Protection (DEP) permitted land fill, must comply with the requirements of subsection 62-296.401(6), F.A.C., in effect on July 7, 1995, Florida Administrative Code.~~

4. ~~Exceptions to the setback requirements from occupied buildings shall be granted by the Division of Forestry when the applicant obtains a signed written statement from every affected resident within the setback area that waives their objections to the open burning associated with the land clearing operation and presents the statement to the Division of Forestry 48 hours in advance of the burning.~~

(d) The pile burning must meet one of the following setback requirements: Any open burning that is allowed by this chapter is restricted to the site where the material was generated and such material shall not be transported to another property to be open burned, unless the rural land clearing debris has been generated by the person, or their agent, who owns the property where it was generated and to where it is transported, or operates an Air Curtain Incinerator provided that the following conditions are met:

1. Residential, and Agricultural/Silvicultural pile burning must be set back three hundred (300) feet or more away from any occupied building other than that of the landowner and 50 feet from any wildlands, brush or combustible structure. It will be transported to property that is owned or leased by the person who generated the land clearing debris, and will not exceed 6 months from the date of the initial authorization and

2. Non-Residential pile burning without an Air Curtain Incinerator must be setback one thousand (1000) feet or more away from any occupied building and 100 feet from any wildlands, brush or combustible structure. Meets a setback distance of three hundred (300) feet from occupied buildings for Air Curtain Incinerators with vertical refractory lined walls and with forced under draft air, or

3. Meets a setback distance of one thousand (1000) feet from occupied buildings for all other Air Curtain Incinerators or

4. Meets a setback distance of one thousand (1000) feet from occupied buildings for land clearing debris burned without an Air Curtain Incinerator.

(e) Exception to Setbacks – An exception to the setbacks in subparagraphs 5I-2.006(3)(d)1. and 2., F.A.C., will be granted if all of the affected parties agree in writing to allow the burn to take place.

(4) Tree Cutting Debris Burning. Open burning to dispose of tree cutting debris shall be conducted using a DEP permitted air curtain incinerator operated in compliance with the provisions of Rule 62-296.401, F.A.C., and any other terms of the unit's air permit. Open burning to dispose of tree cutting debris without use of a permitted air curtain incinerator is allowed provided:

(a) The tree cutting debris was generated on residential premises of not more than two family units and;

(b) The open burning is restricted to the site where the tree cutting debris was generated and;

(c) The open burning is conducted in accordance with all provisions applicable to pile burning as set forth by the Division of Forestry at subparagraphs 5I-2.006(3)(a),(b),(c), (d)1. and (e), F.A.C.; and

(d) The open burning is not prohibited by any local, county, or municipal rule or ordinance, or the open burning is conducted in accordance with any such rule or ordinance to the extent that such rule or ordinance is stricter than the provisions of this subsection.

(5) Air Curtain Incinerator Burning. The use of an Air Curtain Incinerator is allowed for the combustion of land clearing debris, provided the incinerator has a DEP air permit or has been specifically exempted from air permitting by the DEP pursuant to Rule 62-210.300, F.A.C. If an air curtain incinerator has been exempted from air permitting by the DEP, prior authorization to use the incinerator must be obtained from the Division of Forestry. Operation of an exempt air curtain incinerator shall be authorized provided that open burning would otherwise be allowed under this chapter and the following conditions are met:

(a) Only kerosene, diesel fuel, drip torch fuel, clean dry wood or lightered pine, virgin oil, natural gas or liquefied petroleum gas may be used to start the fire in the incinerator. The use of used oil, chemicals, gasoline, or tires to start the fire is prohibited.

(b) An air curtain incinerator must be located at least 300 feet from any occupied building and 50 feet from any wildlands, brush, combustible structure, or paved public roadway.

(c) Incinerators equipped with refractory-lined walls, shall begin charging no earlier than sunrise and must end no later than one hour after sunset.

(d) Incinerators not equipped with refractory lined walls shall begin charging no earlier than 8:00 a.m. CT or 9:00 a.m. E.T. and must end no later than one hour after sunset.

(e) Regardless of the air curtain incinerator type, after charging ceases, air flow shall be maintained until all material within the air curtain incinerator has been reduced to coals, and flames are no longer visible. A log shall be maintained on site, and available upon request, that documents daily beginning and ending times of charging.

(f) If the air curtain incinerator employs an earthen trench, the pit walls (width and length), shall be vertical, and maintained so that the combustion of the waste within the pit will be maintained at an adequate temperature and with sufficient air re-circulation to provide enough residence time and mixing for proper combustion and control of emissions. Pit width shall not exceed twelve (12) feet.

(g) The waste material shall not be loaded into the air curtain incinerator such that it protrudes above the level of the air curtain in the pit.

(h) Ash shall not be allowed to build up in the pit of the air curtain incinerator to higher than 1/3 the pit depth or to the point where the ash begins to impede combustion, whichever occurs first.

(i) Excessive visible emissions are not allowed except for a period of up to 30 minutes during start ups.

(j) The air curtain incinerator shall be attended at all times while materials are being burned or flames are visible within the incinerator.

(k) The burning will not exceed 6 months on the same site from the date of the initial authorization from the Division of Forestry, unless the Division is notified of an exemption by DEP in accordance with Rule 62-4.040, F.A.C.

(l) Exceptions to the setback requirements from occupied buildings shall be granted by the Division of Forestry when the applicant obtains a signed written statement from every affected resident within the setback area that waives their objections to the open burning associated with the land clearing operation and presents the statement to the Division of Forestry 48 hours in advance of the burning.

(m) If the owner or operator of the air curtain incinerator, by lease or other means, grants authority to operate the incinerator to a person not in the employ of the owner, the owner shall provide such person with a copy of this rule section's requirements.

(6) Off Site Burning. Any open burning of land clearing debris that is allowed by this chapter is restricted to the site where the material was generated and such material shall not be transported to another property to be burned, unless the land clearing debris has been generated by the person, or their agent, who owns or leases the property where it was generated and to where it is transported, and operates an air curtain incinerator in compliance with all applicable paragraphs of subsection 5I-2.006(5), F.A.C.

(7) Recreational Open Burning. Nothing in this chapter shall be construed to prohibit the legal open burning of vegetative debris and untreated wood in a campfire, outdoor fireplace, or other contained outdoor heating or cooking device, or on cold days for warming of outdoor workers. Furthermore, nothing in this chapter shall be construed to prohibit the open burning of vegetative debris or untreated wood in a recreational or ceremonial bonfire, as long as the fire is attended at all times and is completely extinguished with no visible emissions if the area is to be left unattended. The person or persons responsible for the recreational fire shall ensure compliance with any applicable open burning rules adopted by the Division of Forestry of the Florida Department of Agriculture and Consumer Services.

(8)(4) Open Burning Exceptions. The Director of the Division of Forestry is authorized to grant exceptions in furtherance of public health, safety and welfare, to the open burning rules within Chapter 5I-2, F.A.C., in the event of an emergency that would require the destruction of vegetative debris or animal carcasses in the most expeditious means possible. Examples would include the burning of vegetative matter or animal carcasses resulting from an insect or disease infestation, or ~~the debris~~ resulting from storm damage, e.g., hurricanes or tornados.

Specific Authority 570.07(23),(28), 590.125(3)(e) FS. Law Implemented 570.07(28), 570.548, 590.02(1)(b), 590.125(2),(3) FS. History—New 7-1-71, Formerly 17-5, 7-1-75, Formerly 5I-2.06, Amended 1-9-91, 9-8-93, 8-16-95, 10-18-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. James D. Brenner, Fire Management Administrator, Division of Forestry, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-6480, e-mail: brennej@doacs.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Jim Karels, Assistant Director, Division of Forestry, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)414-9967, e-mail: karelsj@doacs.state.fl.us

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE: Aquaculture Best Management Practices

RULE CHAPTER NO.: 5L-3

RULE TITLE: Aquaculture Best Management Practices Manual

RULE NO.: 5L-3.004

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 5L-3, F.A.C., to reference an updated aquaculture best management practice manual, dated January, 2005.

SUMMARY: The proposed rule establishes the procedures to follow and best management practices to implement by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services. The amended reference manual has been rearranged and edited to clarify requirements and create a more understandable manual. Specifically, there are new requirements for aquaculture related construction, a new section on aquaculture dock construction and use, a new section on shellfish culture in open water and new provisions for aquatic animal welfare.

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

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

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Kal Knickerbocker, Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, FL 32301.

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., Monday, July 18, 2005

PLACE: Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor Conference Room, Tallahassee, Florida 32301

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Management, (850)921-6262, at least seven days before the meeting.

The proposed rule and reference manual are available by contacting Kal Knickerbocker at the address and telephone number shown below or can be obtained on the Division of Aquaculture’s website at [www.FloridaAquaculture.com](http://www.FloridaAquaculture.com).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kal Knickerbocker, Department of Agriculture and Consumer Services, 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-3.004 Aquaculture Best Management Practices Manual.

(1) The Best Management Practices manual used by the Department under Chapter 5L-3, F.A.C. is adopted and incorporated by reference in this section. The manual is listed below by subject title and date. Copies of the manual may be obtained by contacting the Department or from the Division of Aquaculture’s website at [www.FloridaAquaculture.com](http://www.FloridaAquaculture.com).

(2) Aquaculture Best Management Practices Manual, January, 2005 ~~October, 2002~~.

Specific Authority 570.07(23), 597.004(2)(b), 791.07 FS. Law Implemented 597.003, 597.004 FS. History—New 10-4-00, Amended 12-29-02, 6-8-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kal Knickerbocker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sherman Wilhelm, Director, Division of Aquaculture  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2005  
 DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2004 and April 29, 2005

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER TITLE: Base Funding for County Emergency Management Agencies, Emergency Management Competitive Grant Program and Municipal Competitive Grant Program Rule  
 RULE CHAPTER NO.: 9G-19

RULE TITLES: Definitions 9G-19.002  
 Limitations 9G-19.003  
 Base Grant Distribution Formula 9G-19.005  
 Competitive Awards Eligibility 9G-19.007  
 Procedures for Awarding Competitive Grants 9G-19.008  
 Selection Criteria for Competitive Grants 9G-19.009  
 Disbursement 9G-19.010

PURPOSE, EFFECT AND SUMMARY: Implementation of the proper revisions and changes that are important to identify and clarify rule language in areas of concern from past Base Grant and Competitive Grant programs. These revisions and changes will simplify existing language that will make the grant process easier for all parties involved.

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: 252.35, 252.373 FS.

LAW IMPLEMENTED: 216.052, 252.35, 252.38, 252.373, 252.83 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: 9:00 a.m., July 18, 2005

PLACE: Department of Community Affairs, Director's Conference Room, Room 120L, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of disability or physical impairment should contact the Administrative Secretary, Division of Emergency Management, Bureau of Compliance Planning, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399, (850)413-9821, Suncom 293-9821, at least seven days before the date of the

hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Paula Churchwell, Planning Manager, Finance and Logistics Section, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)413-9942, Suncom 293-9942

THE FULL TEXT OF THE PROPOSED RULES IS:

9G-19.002 Definitions.

(1) through (28) No change.

(29) "Rural Economic Development Initiative (REDI) reduction or waiver" for purposes of the competitive grant programs only, means the reduction or waiver as identified in a Notice of Fund Availability published in the Florida Administrative Weekly, of financial match requirements pursuant to Section 288.0656(2)(b), Florida Statutes.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History--New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-11-98, 10-11-00, 10-22-02, \_\_\_\_\_.

9G-19.003 Limitations.

(1) No change.

(2) The amount of funds available pursuant to this rule chapter may be adjusted proportionally when necessary to meet any matching requirements imposed as a condition of receiving federal disaster relief assistance or planning funds. In the event the need arises to proportionally adjust the funds available pursuant to this rule chapter, the ~~Division~~ Department shall provide notice, as soon as practicable, to all affected entities, of the need to implement the proportional adjustment. Thereafter, each affected entity shall cease expenditures of funds as necessary to meet the proportional adjustment. If authorized by the Legislature, and in the event that funds are available from receipts to the Trust Fund, the ~~Division~~ Department shall provide funds, up to the amount reduced by the previous proportional adjustment, to those entities whose funding was decreased by a previous proportional adjustment.

(3) through (6) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.83 FS. History--New 1-12-94, Amended 11-13-96, \_\_\_\_\_.

9G-19.005 Base Grant Distribution Formula.

(1) No change.

(2) Funds shall be allocated to implement and administer county emergency management programs including administration, training, and operations, 40.8 percent of the Trust Fund, or that amount designated pursuant to Section 3(1)(a), Chapter 93-128, Laws of Florida or by other Legislative appropriation, as available for distribution, shall be initially allocated for base grants to County Emergency Management Agencies. If adequate funds are available as

determined by the Division, every county shall receive funds at least sufficient to fund a dedicated, full-time emergency preparedness officer position. All allocations shall be subject to any pertinent Legislative appropriation.

(3) through (5) No change.

(6) All base grant allocations shall be made contingent upon the County's commitment to, and accomplishment of, a scope of work identified by the Division each year. Said commitment shall be embodied in a written grant agreement executed between the County and the Department Division. The agreement shall provide for reimbursement of costs up to the fixed amount of the award. Failure to agree to, execute or comply with the terms of the grant agreement shall constitute noncompliance.

Specific Authority 252.35, 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.83 FS. History—New 1-12-94, Amended 6-21-95, \_\_\_\_\_.

9G-19.007 Competitive Awards Eligibility.

(1) through (2) No change.

(3) Funds shall be allocated for grants to implement projects that will further state and local emergency management objectives. 7.2 percent of the amount designated as available for distribution in the Trust Fund, as designated in Section 3(1)(a), Chapter 93-128, Laws of Florida or by other Legislative appropriation. These funds shall be identified for awards to Municipal Emergency Management Programs under the Municipal Competitive Grant Program: and 20 percent of the amount designated as available for distribution in the Trust Fund, as designated in Section 3(1)(a), Chapter 93-128, Laws of Florida, or by other Legislative appropriation, shall be identified for awards to state, regional and local governments and nonprofit organizations under the Emergency Management Competitive Grant Program. All allocations shall be subject to Legislative appropriations.

(4) Under the Municipal Competitive Grant Program, each Municipal Emergency Management Program may apply for one competitive grant ~~not to exceed \$50,000. The maximum award amount will be established annually by the Division in a Notice of Fund Availability and published in the Florida Administrative Weekly.~~ Joint applications by two or more municipalities shall be permitted, however the total award for any municipality application shall be limited to the amount established annually by the Division in a Notice of Fund Availability and published in the Florida Administrative Weekly \$50,000.00. Under the Emergency Management Competitive Grant Program, eligible applicants may submit multiple applications, however, no single application shall seek or receive an award in excess of the amount established annually by the Division in a Notice of Fund Availability and published in the Florida Administrative Weekly \$300,000. All eligible applicants, with the exception of counties ~~and state agencies,~~ shall be limited to no more than three (3) application submissions in an application cycle.

(5) No change.

(6) ~~Those municipal grant funds available in subsection 9G 19.007(3), F.A.C., not allocated under subsection 9G 19.007(4), F.A.C., will be reallocated by the Division in accordance with the provisions of subsections 9G 19.006(1), (2), and (3), F.A.C.~~

~~(6)(7)~~ No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-14-98, 10-11-00, 10-22-02, \_\_\_\_\_.

9G-19.008 Procedures for Awarding Competitive Grants.

(1) No change.

(2) Applications for a competitive award ~~shall may~~ include a statement from the County Emergency Management Agency describing the extent to which the project is consistent with the county's Comprehensive Emergency Management Plan. A copy of the applicant's letter requesting this statement must be included in the application. If such a consistency statement is desired, the applicant shall supply a description of the project to the applicable County Emergency Management Agency(ies) at the time of the request for a consistency statement, at least thirty (30) days prior to the deadline for submitting the application. If the applicable Emergency Management Agency(ies) will make a consistency determination determines that of that the project, and also address other issues that may be relevant to the project, such as duplication of an existing capability is consistent, no further explanation is required. When If the applicable Emergency Management Agency(ies) determines that the project is consistent or inconsistent, or is unable to make a consistency determination for any reason, it (they) shall provide a written explanation of the inconsistency or its inability to respond to the Division Department. If a county fails to respond to an applicant's timely submitted request for such a statement, as evidenced by inclusion of a dated copy of the project description letter in the application, the application shall be considered consistent with the applicable Comprehensive Emergency Management Plan. In the event that the county fails to respond, the application shall describe the steps, including pertinent dates, by which the county consistency review was requested. The county's consistency determination shall be considered by the review committee, provided it is received at least thirty (30) days before the deadline for transmitting preliminary scores and resulting rankings. Failure to supply the project description to the County Emergency Management Agency at least thirty (30) days prior to the deadline for submitting application may shall result in no award of points for consistency with local government plans and objectives.

(3) The Department hereby adopts by reference the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program Application Packet, Form No. 008, \_\_\_\_\_ July 2003 version, which provides forms,

instructions, and other information necessary for submission of an application for Competitive Grant funds submitted pursuant to Rule 9G-19.008, F.A.C.

(4) Application packets may be obtained from the website as identified in the Application Packet or from the Department of Community Affairs, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Attention: EMPATF Program. Requests should specify the Competitive Grant Program Application Packet.

(5) All applications shall conform to the following requirements, and shall be reviewed for technical conformity in accordance with the following procedures:

(a) All applications shall adhere to the format specified in the Application Packet, Form No. 008, \_\_\_\_\_ ~~July 2003~~ version.

(b) No change.

(c) Any applicant may receive a preliminary technical review of its application by submitting the application not later than twenty-one (21) days before the published application deadline. Preliminary technical review shall be limited to signature authority, technical conformity to the instructions in the Application Packet, and other technical requirements. No application will be scored or otherwise evaluated for content during preliminary technical review. The Division will inform the applicant of any technical deficiencies in the application by telephone, e-mail or facsimile ~~teletypewriter~~ not later than ten (10) days in advance of the published application deadline to give the applicant an opportunity to rectify ~~ure~~ them before the deadline.

(d) No change.

(e) The Division shall inform the applicant by telephone, e-mail or facsimile ~~teletypewriter~~ not later than five (5) days after the date of the published application deadline if it intends to reject the application for failure to provide evidence of signature authority with the application, for technical noncompliance with the instructions in the Application Packet, or for noncompliance with other technical requirements. Notwithstanding any provision to the contrary elsewhere in this rule chapter, the applicant shall then have up to fifteen (15) days from the date of the published application deadline or to the close of the next business day thereafter to supplement its application with adequate written evidence of signature authority or rectify ~~ure~~ any other technical deficiencies.

(6) No change.

(7) Applications submitted shall be executed by the chief elected official or the chairman of the governing board unless this authority has been delegated to the chief executive officer or other government official, who shall then endorse the application. Evidence of the delegation of authority shall be supplied with the application. If the governmental entity does not have a governing board or chief elected official, then the application shall be executed by the chief administrative officer and evidence of his or her authority to bind the

governmental entity shall be supplied with the application. If the Applicant is not a governmental entity, then the application shall be executed by the governing board, or, if there is no governing board, then the application shall be executed by the chief executive officer. If the application is transmitted ~~electronically~~ on-line, it shall be transmitted not later than three (3) days before the published application deadline. A hard copy of the title page containing the original authorized signature must be submitted by mail, and must be received by the Division by the published application deadline date.

(8) Applications shall be rejected if:

(a) through (d) No change.

(e) The application is not received before 4:00 p.m., Eastern Local Time, on the noticed application deadline date; or

(f) The Applicant has been notified that it is not in compliance with the terms and conditions of any open contractual agreement from any funding administered by the Department Division.

(g) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-14-98, 10-11-00, 10-22-02, 11-27-03, \_\_\_\_\_.

9G-19.009 Selection Criteria for Competitive Grants.

(1) The review committee shall review all applications that are received by the noticed application deadline and that comply with the application procedures and requirements set forth in this rule. Applications that are either not received by the noticed application deadline or that do not comply with the application procedures and requirements set forth in this rule shall be rejected. Received means delivery by hand, certified mail, electronically transmitted (disk or on-line) or courier to the location designated in the Notice of Fund Availability no later than 4:00 p.m., Eastern Local Time, on the final day of the application period. Facsimile transmissions shall not be accepted.

(2) Applications shall be scored by the review committee independently and the scores shall be totaled and averaged. Thereafter, the committee shall evaluate the scores and arrive at preliminary scores and resulting rankings. Preliminary scores and resulting rankings shall be prepared within each category based upon the total number of points earned with the overall highest number of points determining priority for funding. The review committee shall, within 75 days of the application deadline date, post preliminary scores and resulting rankings on the Division of Emergency Management website www.floridadisaster.org, ~~along with any administrative proceeding rights~~. Upon determination, final scores and resulting rankings will be posted on the Division of Emergency Management website, www.floridadisaster.org. Funds shall be offered to the Applicant with the overall highest score, then to the Applicant with the next overall highest score, and so on, until all funds have been offered and accepted, or all eligible



applications have been funded, or insufficient funds remain to fund an eligible project. The ~~Division~~ ~~Department~~ may offer to fund all or part of the project or all or part of the amount requested in an application. Applicants shall be given 21 days to accept or reject a proposed award. Written notice of acceptance shall be delivered to the Division offices designated in the notice of award along with a complete proposal, revised budget, timeline and a list of project items. In the event that an Applicant fails to accept or reject a proposed award offered for the Emergency Management Competitive Grant Program or the Municipal Competitive Grant Program within the specified time, then the funds offered shall revert to the Trust Fund. ~~In the event that an Applicant fails to accept or reject a proposed award offered for the Municipal Competitive Grant Program within the specified time, then the funds shall be reallocated in accordance with the provisions of subsections 9G-19.006(1)-(3), F.A.C.~~

(3) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 10-11-98, 10-11-00, 10-22-02, 11-27-03, \_\_\_\_\_.

9G-19.010 Disbursement.

(1) through (4) No change.

(5) All recipients of trust funds shall cause a financial audit to be performed in accordance with Section 216.349, Florida Statutes. A report of the audit will be forwarded to the ~~Department~~ Division within 60 days of its completion.

(6) through (9) No change.

(10) The Division shall prescribe the type of information, timing and format in which project information shall be reported in the grant agreement. In the event that the Division ~~Department~~ determines that additional reports are necessary in order to demonstrate compliance with this rule chapter or the terms of the grant agreement, then the grant recipient shall supply said reports. Failure to meet the requirements related to reporting shall constitute noncompliance.

(11) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.83 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-27-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paula Churchwell, Planning Manager, Finance and Logistics Section, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)413-9942, Suncom 293-9942

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Suzanne Adams, Community Program Administrator, Finance and Logistics Section, Division of Emergency Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2005

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

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

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

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Water Shortage Plan	40B-21
RULE TITLES:	RULE NOS.:
Purpose and Policy	40B-21.001
Elements of the Plan	40B-21.031
Definitions	40B-21.051
Monitoring Conditions	40B-21.211
Evaluating Hydrologic Conditions	40B-21.221
Declaring a Water Shortage	40B-21.231
Water Shortage Response	40B-21.251
Implementing a Water Shortage Declaration	40B-21.275
Variances	40B-21.291
Compliance	40B-21.421
General	40B-21.511
Source Classifications	40B-21.531
Use Classifications	40B-21.541
Method of Withdrawal Classifications	40B-21.571
General	40B-21.601
Water Shortage Advisory	40B-21.621
Water Shortage	40B-21.631
Water Shortage Emergency	40B-21.641

PURPOSE AND EFFECT: The purpose of the rule development is to codify a water shortage plan for the Suwannee River Water Management District as required by Section 373.246, F.S. The effect will be to protect water resources from significant harm during drought conditions through an equitable distribution of water use restrictions.

SUMMARY: The proposed rule will establish a water shortage plan for the Suwannee River Water Management District as required by Section 373.246, F.S. The water shortage plan details how the District declares and implements a water shortage in order to protect water resources from harm during drought conditions. The water shortage plan includes a system for classifying water sources, uses, and withdrawal methods, includes procedures for declaring a water shortage, provides specific restrictions for water uses for each class of water use, and provides enforcement and variance procedures.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.119, 373.129, 373.136, 373.175, 373.246, 373.603, 373.609 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULES IS:

40B-21.001 Purpose and Policy.

(1) Chapter 373, Florida Statutes (F.S.), provides for the conservation, protection, management, and control of the waters of the state by the water management districts. Section 373.246, F.S., specifies that each water management district shall formulate a plan for implementation during periods of water shortage. As a part of this plan, the Governing Board shall adopt a system of classification according to the source of water supply, method of extraction, withdrawal, or diversion, and use of water. A governing board of a water management district, by order, may declare that a water shortage exists within all or part of the District when insufficient water is available to meet the requirements of the users, or when conditions are such as to require a temporary reduction in total use within the area to protect the water resources from serious harm. Upon such declaration, temporary reductions in total use and restrictions on one or more classes of permits issued pursuant to Chapter 40B-2, Florida Administrative Code (F.A.C.), may be required in order to protect the water resources from serious harm and to restore them to their previous condition.

(2) The procedures in this plan comprise the Suwannee River Water Management District's (District) water shortage plan required under subsection 373.246(1), F.S. The purposes of the plan are to protect the water resources of the District from serious harm; to assure equitable distribution of available water resources among all water users during times of shortage (consistent with the goals of minimizing adverse economic, social, and health related impacts); to provide advance knowledge of the means by which water apportionments and reductions will be made during times of shortage; and to promote greater security for water users.

(3) This chapter and any implementation of it during a water shortage or water shortage emergency, shall not divest the Governing Board and Executive Director of the authority to declare a water shortage or water shortage emergency pursuant to Section 373.175, F.S.

(4) These procedures apply to all consumptive users, including those exempted from Chapter 40B-2, F.A.C., permitting requirements.

(5) It is the policy of the Governing Board that:

(a) Consumptive users and the general public will be supplied frequent and accurate information regarding the status of water resources, methods of water conservation, and means for efficient consumptive use.

(b) This plan will only be implemented in times of water shortage as determined by comparing current hydrologic monitoring data, historical trends, and anticipated demand by users.

(c) Artificial water shortages will not be created by the over-allocation of available supplies in the administration and implementation of Chapter 40B-2, F.A.C., Permitting of Consumptive Uses of Water.

(d) The specific means and methods for consumptive use reduction that are found in Part V of this chapter will recognize the relative efficiency of similarly classified users.

(e) The specific means and methods for consumptive use reduction that are found in Part V of this chapter will represent a guideline for specific restrictions to be imposed on users who transfer water across basin boundaries-interbasin transfers. However, additional or more stringent restrictions may be applied at the discretion of the Governing Board to users who make interbasin transfers.

(f) During times of declared water shortage, the cooperation of local government officials, local law enforcement officials, and the public will be actively encouraged.

(g) The District will seek the cooperation and assistance of state, county, and municipal governmental officials, law enforcement officials, and police officers in the enforcement of the water shortage plan or any water shortage order issued pursuant thereto.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History--New \_\_\_\_\_.

40B-21.031 Elements of the Plan.

(1) Part I. General – Part I states the purpose and policy of the District in developing and adopting the water shortage plan. The elements of the plan are described, and definitions for key terms used within the plan are provided.

(2) Part II. Declaring and Implementing a Water Shortage. Part II describes the procedures the District will use for declaring a water shortage. In addition, Part II provides procedures for implementing a water shortage declaration and variance criteria and procedures.

(3) Part III. Compliance. Part III describes the District's overall program of monitoring surface and ground waters, climatic conditions, and water demand during a shortage. This part establishes a monitoring program to determine the impact of a water shortage on the water resources of the District and

the effectiveness of a declaration of water shortage or water shortage emergency. In addition, this part describes how the District, in conjunction with local law enforcement officials, will ensure compliance with the provisions of a declared water shortage or water shortage emergency. This part describes the District's enforcement jurisdiction and enforcement procedures for violations of the water shortage plan and any order issued pursuant to it. This part describes the District's policy of seeking the cooperation and assistance of local government officials and of assisting such officials in ensuring compliance with the water shortage plan.

(4) Part IV. The Classification System. Part IV classifies each user according to the source of water supply, type of water use, and method of withdrawal. The classification system is used in conjunction with Parts II, III, and V to determine the water use restrictions with which users should comply.

(5) Part V. Specific Means and Methods for Water Use Reduction. Part V presents consumptive use reduction methods and means for a water shortage by water use class. Various combinations of these reduction methods and means will be employed by the District to achieve the target reduction in user demands during a water shortage. The ultimate combination of reduction methods and means chosen will be described within the water shortage order(s) published by the District as described in Part II.D.

Specific Authority 373.044, 373.113 FS. Law Implemented: 373.175, 373.246 FS. History—New \_\_\_\_\_.

#### 40B-21.051 Definitions.

##### When used in this Chapter:

(1) "Water shortage" means that situation within all or part of the District when insufficient water is available to meet the existing reasonable-beneficial needs of water users and to protect water resources from serious harm. A water shortage may be the result of a drought or the result of human influences on water resources.

(2) "Water shortage emergency" means a situation when the powers which can be exercised under a water shortage declaration are not sufficient to adequately protect the public health, safety, or welfare, the health of animals, fish, or aquatic life.

(3) "User" means any person or entity which directly or indirectly takes water from the water resource, including but not limited to uses from private or public utility systems, uses under consumptive use permits issued pursuant to Chapter 40B-2, F.A.C., or uses from individual wells or pumps for domestic or individual home use.

(4) "Water resource" means any and all water on or beneath the surface of the ground, including natural or artificial water courses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, and any related natural systems. However, it does not refer to treated wastewater effluent or seawater.

(5) "Source class" means the specified water resource from which a user is obtaining water either directly or indirectly. Source classes within the District are identified in Rule 40B-21.531, F.A.C.

(6) "Use class" means the category describing the purpose for which the user is using water. Use classes within the District are specified in Rule 40B-21.541, F.A.C.

(7) "Method of withdrawal class" means the type of facility or means of extraction or diversion of water employed by the user. Method of withdrawal classes within the District are specified in Rule 40B-21.571, F.A.C.

(8) "Plan" means the water shortage plan authorized in Section 373.246, F.S. and contained in this chapter.

(9) "Overhead irrigation" means the use of equipment and devices which deliver water under pressure, through the air, above the level of the plant being irrigated.

(10) "Low-volume hand watering" means the low volume irrigation of plants or crops with one hose, fitted with a self-canceling or automatic shutoff nozzle, attended by one person.

(11) "Low-volume mobile equipment washing" means the washing of mobile equipment with a bucket and sponge or a hose with a self-canceling or automatic shutoff nozzle or both.

(12) "Low-volume pressure cleaning" means pressure cleaning by means of equipment which is specifically designed to reduce the inflow volume as accepted by industry standards.

(13) "Mobile equipment" means any public, private, or commercial automobile, truck, trailer, railroad car, camper, boat, or any other type of similar equipment. The term shall not include sanitation and sludge vehicles or food vending and transporting vehicles.

(14) "Even numbered address" means the house address or rural route ending in the numbers 0, 2, 4, 6, 8, or the letters A-M. Post office box numbers are not included.

(15) "Odd numbered address" means the house address or rural route ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z. Post office box numbers are not included.

(16) "Even numbered days" means the days whose dates end in the numbers 0, 2, 4, 6, or 8. For purposes of this chapter, the date shall be determined by the day during which irrigation begins.

(17) "Odd numbered days" means the days whose dates end in the numbers 1, 3, 5, 7, or 9. For purposes of this chapter, the date shall be determined by the day during which irrigation begins.

(18) "Consumptive Use Permit" means a permit issued pursuant to Chapter 40B-2, F.A.C., authorizing the withdrawal and use of water.

(19) "Irrigation System Efficiency Ratio (SER)" shall mean the ratio of the water withdrawn to the water requirement of the plant(s) irrigated and shall be determined by comparing volume of water which needs to be pumped for delivery by a particular irrigation system to the net irrigation requirement of

a crop. For example, if a particular irrigation system requires 1.2 inches of water in order to apply 1 inch to a crop, the SER is 1.2:1 or simply 1.2. Generally, the excess water is lost to system leakage, evaporation, and wind drift.

(20) “Low Pressure/Low Volume Irrigation System” shall mean any irrigation system with a SER of 1.2 or less and will typically include trickle, drip, micro jet, and low pressure (less than 30 pounds per square inch [psi]) overhead irrigation systems.

(21) “High Pressure/High Volume Irrigation System” shall mean any sprinkler-type irrigation system with an SER greater than 1.2 and will typically include higher pressure (greater than 30 psi) pivots, traveling or walking systems, or in-ground, overhead sprinkler systems.

(22) “Seawater” shall mean any ground or surface water with an average total chloride concentration equal to or greater than 15,000 milligrams per liter.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New \_\_\_\_\_.

40B-21.211 Monitoring Conditions.

(1) Purpose – This part of the plan generally describes the data collection and analyses the District may undertake in anticipation of and during a declared water shortage or water shortage emergency. Monitoring data may be used to determine:

- (a) Whether a water shortage or water shortage emergency should be declared;
- (b) Whether the restrictions in effect are sufficient to protect the water resources within the affected area in light of anticipated climate conditions; and
- (c) Whether the restrictions in effect are being adequately complied with by consumptive users.

(2) Data Sources – Data may be obtained from any source available, including, but not limited to:

- (a) The District, including information on permitted quantities, relevant pumping and meter records, general hydrological, meteorological, and biological information, and all other relevant information;
- (b) The U.S. Geological Survey, the Natural Resources Conservation Service, the Florida Bureau of Geology, the Florida Department of Environmental Protection, regional planning councils, and other local, state, or federal agencies; and
- (c) Any other source available.

(3) Resource Monitoring – The District may collect and analyze data concerning any aspect of the water resource. Data which may be collected include, but are not limited to:

- (a) Levels in surface and ground waters, including potentiometric heads in confined and unconfined aquifers;
- (b) Flows of rivers, streams, and springs;
- (c) Water quality of surface and ground waters;

(d) Demand of natural systems, including but not limited to losses from evapotranspiration and seepage;

- (e) Rainfall;
- (f) Drought indices or weather forecasts;
- (g) Impacts on fish and wildlife; and
- (h) Other data required to evaluate the status of the water resources of the District.

(4) Demand Monitoring – The District may collect and analyze data concerning any aspect of user demand upon the water resources. Data which may be collected include, but are not limited to:

- (a) Demands of permitted users;
- (b) Demands of users not subject to permitting, but subject to the provisions of the water shortage plan;
- (c) Demands of users whose supply of water is established by federal law; and
- (d) Other data required to evaluate demands on the water resources of the District.

(5) The District shall prepare a monthly hydrologic conditions report summarizing the data gathered pursuant to this plan.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New \_\_\_\_\_.

40B-21.221 Evaluating Hydrologic Conditions.

(1) The District shall monitor the condition of the water resources in the District as provided in Rule 40B-21.211, F.A.C.

(2) Current data shall be compared to historical data to determine whether serious harm to the water resources can be expected.

(3) Evaluations under this rule shall consider established minimum flows and levels and associated rules regarding implementation of water shortage provisions contained in Chapter 40B-8, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New \_\_\_\_\_.

40B-21.231 Declaring a Water Shortage.

(1) If the District determines there is a possibility that insufficient water will be available within a source class to meet the estimated present user demands from that source and to protect the water resource from serious harm, the Governing Board may declare a water shortage for the affected source class. The Governing Board may declare that a water shortage exists within all or parts of the District. The restricted area may include all or part of a county, municipality, surfacewater basin or utility service area which impacts a source class for which a water shortage is declared. When the affected source extends beyond the District’s boundaries, the District shall coordinate water shortage declarations with the appropriate water management district(s).

(2) A water shortage may also be declared for those source classes not presently experiencing a water shortage if usage from such sources can be reasonably expected to impact the present and anticipated available water supply in those source classes currently experiencing a shortage.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New \_\_\_\_\_.

#### 40B-21.251 Water Shortage Response.

(1) This plan establishes the means and methods to achieve the reduction in overall demand estimated to be necessary to protect water resources from serious harm. The specific reduction means and methods are intended to reduce demand during times of water shortages by increasing reduction methods and means on consumptive use as a function of the severity of the water shortage. For a water shortage, reduction methods and means are specified which, alone or in combination, are intended to achieve this reduction.

(2) If the District determines that, within any area of the District, the provisions of a water shortage are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, the Executive Director, with the concurrence of the Governing Board, may declare a Water Shortage Emergency.

(3) The District Governing Board may impose water shortage restrictions other than those specified in this plan and may establish demand reduction goals for such restrictions. A combination of the restrictions specified in Part III of this Chapter and any other restrictions deemed appropriate and necessary by the Governing Board may be imposed for any water shortage.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New \_\_\_\_\_.

#### 40B-21.275 Implementing a Water Shortage Declaration.

(1) In implementing water use restrictions, the factors the District shall consider include:

(a) The source of the water supply experiencing the shortage;

(b) The relative impact of the various categories of consumptive users on the water body for which the shortage is declared;

(c) The availability and practicality of alternative sources;

(d) The relative economic impacts that the restrictions are likely to have on each category of user. To the degree practical, the Governing Board shall impose water use restrictions in a manner that distributes the burden of the restrictions equitably among consumptive users, relative to their impact on the sources experiencing the shortage;

(e) The potential for serious harm to natural systems;

(f) Water shortage plans of local governments;

(g) The appropriate geographic scope of the restrictions;

(h) The effectiveness of the restriction imposed in terms of reducing consumptive use and protecting the relevant water supply source; and

(i) The impact of the consumptive use reduction methods and means on the public health, safety and welfare.

(2) Declaration of a water shortage and notification thereof shall be conducted in accordance with Section 373.246, F.S.

(3) When a water shortage is declared, the District will publish notice of the declaration in a prominent place within newspapers of general circulation in the areas affected. Such notice shall be published each day for the first week of the shortage and once a week thereafter until the declaration is rescinded. In addition, the District shall make every reasonable effort to inform the general public of the reduction methods and means in effect and the source classes which are affected. Particular attention shall be given to presenting this information in a form which is easily understood and applied by the citizens of the affected areas.

(4) The District shall notify each affected permittee within the affected source class of any change in permit conditions, any permit suspension or any other restriction on consumptive use. Notice shall be by regular mail.

(5) At least one public hearing shall be scheduled, which will be noticed according to the provisions in subsection (2). The public and consumptive use permit holders shall be afforded an opportunity to participate during water shortage public hearing(s) and present testimony on water shortage effects and the impacts of the proposed reduction methods and means. Substantive evidence submitted by the public at or prior to the hearing shall be made a part of the record at the hearing.

(6) Additional public hearings may be announced by the Board during a declared water shortage, and reasonable additional notice will be provided.

(7) The District shall notify local elected officials of any water shortage declaration and subsequent restrictions. Notice shall be by the best practicable means under the circumstances. In addition, local law enforcement officials shall be notified as soon as possible of any water shortage declaration or change in reduction methods and means affecting their areas of responsibility.

(8) A declaration of water shortage or any provision or restriction imposed under the water shortage plan may be modified or rescinded by the Board.

(9) An order declaring a water shortage or emergency orders shall become effective on the day after any notice required in subsection (3) is published. An order declaring a water shortage shall remain in effect until modified or rescinded by the Governing Board.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New \_\_\_\_\_.

40B-21.291 Variances.

Any petition for variance to any requirement of this Chapter shall be in accordance with procedures and requirements of Chapter 28-104, F.A.C.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New \_\_\_\_\_.

40B-21.421 Compliance.

(1) It is the policy of the District to seek the cooperation and assistance of state, county, and municipal government officials, law enforcement officials, and police officers in the enforcement of this Chapter and any water shortage order issued pursuant thereto.

(2) Counties and municipalities throughout the jurisdiction of the District are authorized and encouraged to adopt ordinances which provide for local enforcement of the provisions of this plan, or any order adopted pursuant thereto. Some cities and counties have long-standing ordinances which can be implemented by resolution of the governing body during a declared water shortage, while others have “preferred” local ordinances which are readopted as necessary and repealed upon conclusion of a water shortage. Upon request of the District’s Governing Board, each local government should be prepared to adopt or implement an ordinance in fulfillment of its composite duties as city and county officials to assist the Governing Board in the enforcement of its Water Shortage Orders (Section 373.609, F.S.).

(3) Water utilities are encouraged to take reasonable efforts to inform their customers regarding the water shortage situation, including the dissemination of pertinent water conservation information where feasible. Water utilities are also encouraged to cooperate with the District in monitoring user compliance with restrictions. This may involve increased reporting of pumping or metered connections.

(4) In order to ensure compliance with the provisions of any water shortage order issued pursuant to this plan, the District will use any of the enforcement remedies available pursuant to Chapter 120 or 373, F.S., or Title 40B, F.A.C.

(5) Compliance action may be initiated by the District as provided in Section 373.603, F.S., against violators of a water shortage order issued pursuant to this plan.

(6) The Executive Director may assign District personnel for the purpose of initiating compliance action pursuant to Section 373.603, F.S.

(7) The Executive Director may take appropriate action pursuant to Sections 373.119, 373.175(4), 373.246(7), and 120.69, F.S., and to seek compliance with the provisions of this Plan or any order issued pursuant thereto, or to alleviate any emergency conditions which might occur.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.129, 373.136, 373.603, 373.609, 373.175, 373.246 FS. History–New \_\_\_\_\_.

40B-21.511 General.

This part of the Chapter establishes the basis for distinguishing among different users of the water resource according to major classes. Under this system, each consumptive user may be classified according to source, use, and method of withdrawal. Each of these classes is described herein.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New \_\_\_\_\_.

40B-21.531 Source Classifications.

(1) Each consumptive user may be classified according to one or more of the following sources of water:

(a) Surfacewater sources:

1. Name of specific surfacewater source
2. Basin
3. Sub-basin

(b) Groundwater Sources

1. Floridan aquifer
2. Secondary artesian aquifer
3. Water table aquifer

(2) The Governing Board may further define source classifications as it deems appropriate and necessary.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History–New \_\_\_\_\_.

40B-21.541 Use Classifications.

(1) Each consumptive user may be classified according to one or more of the following use classes and subclasses of water:

(a) Indoor uses, which include water used for indoor personal and household needs, and similar needs at businesses;

(b) Essential uses of water for fire fighting purposes, health and medical purposes, and to satisfy federal, state, or local public health and safety requirements;

(c) Agricultural uses, such as production of vegetable and other crops, citrus and fruit trees, nursery plants, pasture, sod, aquaculture, soil flooding, and freeze protection. This classification includes the following subclasses:

1. Low pressure/low volume irrigation systems.
2. High pressure/high volume irrigation systems.
3. Flood/seepage irrigation systems.
4. Low volume hand watering.
5. Soil flooding.
6. Freeze protection.
7. Livestock care.
8. Aquaculture.

(d) Commercial and industrial uses in which water is integral to the production of goods and services, including power generation. This classification includes the following subclasses:

1. Phosphate mining and beneficiation, including all primary and ancillary uses of water in the mining, beneficiation, and transport of phosphate ore and associated products.

2. Chemical products processing or manufacturing, including all primary and ancillary uses of water in the manufacturing of phosphate chemicals, fertilizers, chlorine, lead, zinc, and other chemicals.

3. Limestone, sand, gravel, or other minerals mining, including all primary and ancillary uses of water in the mining, processing, and transport of limestone, sand, gravel, or other mineral products.

4. Cement, concrete, and concrete products manufacturing, including all primary and ancillary uses of water integral to the manufacturing of cement, concrete, and concrete products.

5. Perishable foods processing, including the use of water for the processing of such perishable foods as citrus, strawberries, and tomatoes.

6. Perishable foods packing, including the use of water in the packing of perishable foods.

7. Bottled water and other beverage products, including the use of water for direct bottling or the production of beer, wine, soft drinks, or other beverages.

8. Power generation, including the use of water for steam generation and the use of water for cooling and for replenishment of cooling reservoirs.

9. Other industrial and commercial uses. Includes all such activities not elsewhere sub-classified.

(e) Water utility use, which may include both water used for potable supply and water used for maintaining and operating the supply system;

(f) Landscape irrigation, which is the outdoor irrigation of grass, trees and other plants in places such as residences, businesses, golf courses, parks, recreational areas, cemeteries, and public buildings; and

(g) Miscellaneous uses such as aesthetic ponds, fountains and water features, environmental restoration or enhancement, cooling and air conditioning, and navigation.

(2) The listing of the classifications above does not establish any priority ranking between classes.

(3) The District may expand upon or further subdivide the use classifications in paragraphs (a) through (g) above for purposes of issuing restrictions on specific uses.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New \_\_\_\_\_.

#### 40B-21.571 Method of Withdrawal Classifications.

Each consumptive user may be identified by one or more of the following method of withdrawal classes:

(1) Surface waters:

(a) Pump;

(b) Gravity flow.

(2) Ground waters:

(a) Artesian well;

(b) Pumped well.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New \_\_\_\_\_.

#### 40B-21.601 General.

(1) Upon declaration of a water shortage or water shortage emergency, the specific restrictions presented within this part can be implemented to achieve the desired overall reductions in user demand. The target reduction ultimately chosen during a water shortage will be dependent upon the severity of the particular shortage. The restrictions specified within this plan may be modified by the Governing Board to achieve the target reduction ultimately determined to be necessary. The appropriate combination of restrictions shall be decided by the Governing Board upon recommendation of District staff. The combination of restrictions shall be included in the notice(s) of the shortage, as specified above in Rule 40B-21.275, F.A.C.

(2) Restrictions are presented for each use class and various subclasses. It shall be the responsibility of each consumptive user to keep informed as to the restrictions in effect.

(3) In addition to the restrictions specified in this part, all wasteful and unnecessary consumptive use is prohibited regardless of the severity of water shortage. This subsection is not intended to prohibit legal uses of water whether permitted or exempted by rule or statute. Such wasteful and unnecessary consumptive use shall include, but not be limited to:

(a) Allowing water to be dispersed without any practical purpose to the user, regardless of the type of consumptive use;

(b) Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of consumptive use;

(c) Allowing water to be dispersed to accomplish a purpose for which consumptive use is unnecessary or which can be easily accomplished through alternative methods without consumptive use; and

(d) Allowing water to be dispersed for purely aesthetic or ornamental uses.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New \_\_\_\_\_.

#### 40B-21.621 Water Shortage Advisory.

A Water Shortage Advisory refers to a notice from the District that hydrologic conditions are abnormally low, or low for the season, and that further reductions in supply or increased use may result in the declaration of a water shortage and water use restrictions. Although no mandatory restrictions are included in a Water Shortage Advisory, all users are encouraged to initiate conservation and eliminate wasteful or inefficient consumptive use. Consumptive users planning to implement long-range conservation measures are encouraged to speed implementation to the greatest extent practical.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New \_\_\_\_\_.

40B-21.631 Water Shortage.

The Governing Board may, upon recommendation by District staff, choose a combination of these and any other appropriate and necessary restrictions to achieve the required reduction in overall demand.

(1) Indoor uses shall reduce use by employing water conservation measures and by installing water conserving devices.

(2) Essential uses may voluntarily reduce water use by limiting flushing and other system cleaning activities to a level required to maintain the health, safety, and welfare of the public.

(3) Agricultural uses shall be restricted as follows:

(a) Treated wastewater irrigation shall not be restricted.

(b) Low pressure/low volume irrigation systems shall not be restricted except in accordance with subsection 40B-21.601(1), F.A.C.

(c) Overhead irrigation by high pressure/high volume systems shall be prohibited between the hours of 10:00 a.m. to 4:00 p.m. Systems that have been certified by an independent irrigation laboratory within the past two years prior to the effective date of a water shortage order to be as efficient as practicable shall not be restricted, except in accordance with subsection 40B-21.601(1), F.A.C.

(d) Flood/seepage irrigation systems shall be operated in a manner that will capture all runoff that is practicable for reuse.

(e) Low-volume hand watering shall not be restricted.

(f) Livestock consumptive use shall be voluntarily reduced.

(g) Consumptive use for freeze protection shall be restricted to situations in which official weather forecasting services predict temperatures likely to cause permanent damage to crops.

(h) Soil flooding for pest control or soil preservation shall be prohibited. Soil flooding to permit harvesting of sod shall be prohibited.

(i) Aquaculture consumptive use shall be voluntarily reduced.

(j) All irrigation systems shall be operated in a manner that will efficiently use the water withdrawn.

(k) All agricultural enterprises should reduce or suspend those activities which stimulate the need for increased irrigation, as feasible and appropriate.

(l) No unnecessary off-site discharge from irrigation shall be allowed.

(m) Users having access to more than one source class shall maximize the use of the lesser or least restricted source class.

(n) For those agricultural enterprises that have best management practices approved by the Department of Agriculture and Consumer Services, irrigation for purposes of watering-in of insecticides, fungicides, herbicides, and fertilizers shall not be restricted. Such watering-in shall be limited to the minimum necessary and shall be accomplished during the hours allowed for normal irrigation.

(4) Commercial and industrial uses.

(a) Phosphate mining and beneficiation operations:

1. Recycled water within the mine site shall be used as much as possible to reduce freshwater withdrawals.

2. Water within noncontiguous mine cuts and other impoundments shall be used to the greatest extent practicable to augment the mine's circulation system.

3. Off-site discharges of water shall be reduced or eliminated to the greatest extent possible.

4. Cleaning requiring consumptive use shall be reduced to the minimum required to protect the efficiency of the operation, prevent damage to equipment, or maintain the health and safety of workers.

5. Reduce or suspend the washing of vehicles except for health and safety needs.

6. Nonessential uses, plant cleaning, water-cooled air conditioning, and lawn irrigation shall be reduced or eliminated to the greatest extent possible. Restriction of other uses within the mine site may also apply.

(b) Chemical products processing or manufacturing facilities:

1. The use of fresh water shall be reduced to the greatest extent possible.

2. Off-site discharge shall be reduced or eliminated to the greatest extent possible.

3. Recycled water shall be used to replace fresh water to the greatest extent possible.

4. Nonessential uses, plant cleaning, water-cooled air conditioning, and lawn irrigation shall be reduced or eliminated to the greatest extent possible. Restriction of other uses may also apply.

(c) Limestone, sand, gravel, or other minerals mining operations:

1. On-site impounded surface waters shall be used to replace fresh water withdrawals to the greatest extent possible.

2. Reduce spraying for dust control in quarry area except for health and safety standards.

3. Reduce general housekeeping that requires the use of water to the greatest extent possible.

4. Off-site discharge shall be reduced or eliminated wherever possible.

(d) Cement, concrete, and concrete products manufacturing facilities:

1. Reuse runoff to the greatest extent possible.



2. Reduce spray drift to the greatest extent possible and increase the efficiency of spray application to the greatest extent possible.

3. Reduce the unnecessary water content of products shipped to the greatest extent possible.

(e) Perishable foods processing operations:

1. Off-site discharge shall be reduced or eliminated wherever feasible.

2. Water losses from released steam shall be minimized to the greatest extent possible.

3. Effluent shall be recycled to the greatest extent possible.

(f) Perishable foods packing operations:

1. Restrict washing of fruit and plant area to minimum level necessary for health and safety standards.

2. Equipment washing apparatus with automatic shut-off devices should be used to the greatest extent possible.

(g) Bottled water and other beverage products operations:

1. Restrict equipment washing operations to the minimum level necessary for health and safety standards.

2. Implement routine process inspections to find and reduce water waste to the greatest extent possible.

(h) Power generation:

1. Maximize production from generating facilities which are least dependent upon withdrawals from the source experiencing the shortage, and minimize production from generating facilities which are most dependent upon withdrawals from the source experiencing the shortage, to the greatest extent practicable.

2. Non-essential uses of water, plant cleaning, water-cooled air conditioning, and lawn irrigation shall be reduced or eliminated to the greatest extent possible. Restrictions of other uses may apply.

3. Power companies should encourage customers to reduce power consumption to the greatest extent possible, so that they may reduce power generation and in turn, reduce water consumption.

(i) Other industrial and commercial uses:

1. Reduce use by employing water conserving measures and by installing water conserving devices.

2. Replace use of fresh water with reclaimed or recycled water wherever appropriate and feasible.

3. Users having access to more than one source class shall maximize the use of the lesser or least restricted source class.

4. Additional restrictions may apply.

(5) Water utility uses.

(a) To the greatest extent possible, utilities shall institute conservation measures such as improving and accelerating leak detection surveys and repair programs, installing and calibrating meters, and stabilizing and equalizing system pressures.

(b) New water line flushing and disinfection shall be limited to minimum requirements.

(6) Landscape irrigation uses.

(a) Lawns and landscaping:

1. Established lawns and landscaping.

a. Treated wastewater irrigation shall not be restricted.

b. The irrigation of established lawns and landscaping is prohibited, except between the hours of 9:00 p.m. and 7:00 a.m.

c. The use of water as described in b. above shall be further restricted as follows:

i. Established lawns and landscaping at locations with street addresses ending in an even number, or in the letters A-L, may water only on even numbered days.

ii. Established lawns and landscaping at locations with street addresses ending in an odd number, or in the letters M-Z, or with no addresses, may water only on odd numbered days.

d. Low-volume hand watering, as described in Part I, shall not be restricted.

e. Irrigation for purposes of watering-in of insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall not be restricted; such watering-in shall be limited to the minimum necessary and should be accomplished during the hours allowed for normal irrigation.

f. The operation of irrigation systems for cleaning and maintenance purposes shall not be restricted, except to be limited to the minimum necessary to maintain efficient operation of the system. Each irrigation zone may be tested a maximum of once per week.

2. New lawns and landscaping.

a. Treated wastewater irrigation shall not be restricted.

b. Irrigation of new lawns and landscaping shall not be restricted; however, irrigation should be limited to non-daylight hours to the greatest extent possible and limited to the minimum amount required for the establishment of the lawn.

c. Irrigation for purposes of watering-in of insecticides, fungicides and herbicides, where such watering-in is required by the manufacturer, or by federal, state or local law, shall not be restricted; such watering-in shall be limited to the minimum necessary and should be accomplished during the hours allowed for normal irrigation.

d. The operation of irrigation systems for cleaning and maintenance purposes shall not be restricted, except to be limited to the minimum necessary to maintain efficient operation of the system. Each irrigation zone maybe tested a maximum of once per week.

(b) Golf courses.

1. Treated wastewater irrigation shall not be restricted.

2. Irrigation of greens and tees shall be reduced to the greatest extent possible and shall be accomplished during non-daylight hours.

3. Irrigation of fairways, roughs, and non-play areas on the front nine holes of the course shall be prohibited, except between the hours of 9:00 p.m. to 7:00 a.m. on even numbered days.

4. Irrigation of fairways, roughs, and non-play areas on the back nine holes of the course shall be prohibited, except between the hours of 9:00 p.m. to 7:00 a.m. on odd numbered days.

5. Reduce or suspend to the greatest extent possible those horticultural practices which stimulate the need for increased irrigation.

6. Users having access to more than one source class shall maximize the use of the lesser or least restricted source class.

7. The operation of irrigation systems for cleaning and maintenance purposes shall not be restricted, except to be limited to the minimum necessary to maintain efficient operation of the system. Each irrigation zone may be tested a maximum of once per week.

8. Irrigation for purposes of watering-in of insecticides, fungicides, herbicides, and fertilizer where such watering-in is required by the manufacturer or by federal, state or local law, shall not be restricted; such watering-in shall be limited to the minimum necessary and should be accomplished during the hours allowed for normal irrigation.

(c) Cemeteries.

1. Irrigation of cemeteries shall be prohibited, except between the hours of 9:00 p.m. and 7:00 a.m.

2. Irrigation of cemeteries shall be further restricted as follows:

a. One half of the cemetery property may be irrigated on Monday, Wednesday and Friday.

b. The remaining one half of the cemetery property may be irrigated on Tuesday, Thursday and Saturday.

(7) Miscellaneous uses.

(a) Recreation area use of water shall be reduced to the greatest extent possible.

(b) Washing or cleaning streets, driveways, sidewalks, or other impervious areas with water shall be prohibited except to meet federal, state, or local health or safety standards.

(c) Mobile equipment washing shall be accomplished using only low-volume methods (excluding commercial car washes).

(d) Outside pressure cleaning shall be restricted to only low-volume methods.

(e) Augmentation shall be limited to the minimum necessary to maintain and preserve the long-term integrity of the surfacewater body and associated habitat for fish and wildlife. Where minimum levels have been established by the District, no augmentation shall occur when water levels are above the applicable minimum water level.

(f) The use of water for cooling and air conditioning shall be restricted to that amount of water necessary to maintain a minimum temperature of 78 degrees Fahrenheit. Discharge of water from cooling and air conditioning systems shall be to pervious surfaces and shall not be accomplished through irrigation systems, where feasible and appropriate.

(g) Aesthetic uses.

1. Outside aesthetic uses of water shall be prohibited.

2. Inside aesthetic uses of water shall be prohibited.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.175, 373.246 FS. History—New \_\_\_\_\_.

40B-21.641 Water Shortage Emergency.

(1) If the District determines that, within any area of the District, the provisions of a Water Shortage are not sufficient to protect the public health, safety, or welfare, the health of animals, fish, or aquatic life, the Executive Director, with the concurrence of the Governing Board at the next regularly-scheduled meeting, may declare a Water Shortage Emergency. The Executive Director may, without prior notice, issue orders reciting the existence of such an emergency pursuant to the provisions of Chapter 120, F.S.

(a) Such orders shall identify all methods and means for consumptive use reduction deemed necessary by the Executive Director, with the concurrence of the Governing Board at the next regularly-scheduled meeting, to meet the emergency.

(b) All users to whom an emergency order is directed shall comply immediately, but may petition the Governing Board for a hearing as set forth in Section 373.119, F.S.

(2) The District shall inform all users to whom an emergency order is directed of the existence of such order and all associated methods and means for consumptive use reduction by the best practicable means available under the circumstance. Particular attention shall be given to presenting this information in a form which is easily understood and applied by the citizens of the affected areas.

(3) The District shall notify local elected officials of any water shortage emergency declaration and remedial action required. Notice shall be by the best practicable means under the circumstances. In addition, local law enforcement officials shall be notified as soon as possible of any water shortage emergency declaration or change of consumptive use reduction methods and means affecting their areas of responsibility.

(4) A combination of consumptive use reduction means and methods, both voluntary and mandatory, may be implemented by the District. Other means and methods that are deemed necessary to successfully accomplish the necessary consumptive use reductions may also be required. These means and methods will be targeted at those uses in which demand reduction is essential and where the probability of further water savings is high.

(5) Declaration of a water shortage emergency shall be conducted in accordance with Sections 373.246 and 373.119, F.S.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.119, 373.175, 373.246 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Building Code Administrators and Inspectors**

RULE TITLE: Approval of Courses  
RULE NO.: 61G19-9.004

PURPOSE AND EFFECT: The Board proposes the rule amendment to accept continuing education courses that have been approved by companion boards.

SUMMARY: The proposed rule amendment adds continuing education courses that have been approved by the Construction Industry Licensing Board, the Electrical Contractors' Licensing Board, and the Board of Architecture and Interior Design.

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: 468.606, 468.627 FS.

LAW IMPLEMENTED: 468.627 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.004 Approval of Courses.

(1) through (10) No change.

(11) The Board, subject to review, approves those continuing education courses approved by the Construction Industry Licensing Board; the Electrical Contractors' Licensing Board; and the Board of Architecture and Interior Design.

(12) through (13) No change.

Specific Authority 468.606, 468.627 FS. Law Implemented 468.627 FS. History—New 5-23-94, Amended 5-21-95, 10-1-97, 8-17-99, 4-23-01, 1-2-02, 12-10-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Building Code Administrators and Inspectors

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Building Code Administrators and Inspectors

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 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 Clinical Laboratory Personnel**

RULE TITLE: Mandatory HIV/AIDS Education for Renewal  
RULE NO.: 64B3-11.006

PURPOSE AND EFFECT: The Board proposes to repeal this rule to consolidate this rule with Rule 64B3-11.005, F.A.C., and eliminate redundant language.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 483.821 FS.

LAW IMPLEMENTED: 456.033, 483.821 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:

64B3-11.006 Mandatory HIV/AIDS Education for Renewal.

Specific Authority 483.821 FS. Law Implemented 456.033, 483.821 FS. History—New 5-3-95, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2005

**DEPARTMENT OF HEALTH**

**Electrolysis Council**

RULE TITLE: Citations RULE NO.: 64B8-55.002

PURPOSE AND EFFECT: The purpose of this rule is to update the disciplinary procedures, violations, and fees for first and second violation offenses for electrology citations violations in laser or light based hair removal.

SUMMARY: This rule sets out the citations violations with regard to disciplinary matters and for first and second offenses.

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

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

SPECIFIC AUTHORITY: 456.077(1),(2) FS.

LAW IMPLEMENTED: 456.072(3)(b), 456.077(1),(2), 478.51, 478.52 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

64B8-55.002 Citations.

(1) through (2) No change.

~~(3) The citation may be served upon the licensee by hand delivery or certified mail at the licensee's last known home address. If service by certified mail fails because the licensee has relocated without leaving a forwarding address, then the Department shall endeavor to give the subject actual or constructive notice of the pending disciplinary action as permitted by law.~~

(4) All citations include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, and impose whatever obligations necessary to remedy the offense.

~~(5)(4) The description of the violation used in this rule, is not intended to be all inclusive, and should not be considered definitive. Reference to the statutory provision cited is required to identify the precise conduct which constitutes a violation.~~ The Board designates the following as electrology citation violations:

(a) through (s) No change.

(t) The Board designates the following as electrology citations violations in laser or light based hair removal. Failure to have:

1. Written designation of laser safety officer – First time violation \$150, Subsequent violations \$300.

2. Appropriate sign on door of laser room – First time violation \$150, Second time violation \$300.

3. Cold water and ice – First time violation \$150, Second time violation \$300.

4. Lock on door of laser room – First time violation \$150, Second time violation \$300.

5. Fire extinguisher in vicinity of laser room – First time violation \$150, Second time violation \$300.

6. Written protocols that are signed, dated, and maintained in a readily available location on the premises where the electrologist practices – First time violation \$200, Second time violation \$400.

7. Copy of protocols filed with the Department of Health – First time violation \$200, Second time violation \$400.

8. Professional liability coverage that includes coverage for incidents arising from laser usage in an amount not less than \$100,000 – First time violation \$250, Second time violation \$500.

9. At least one piece of properly registered laser equipment located within the electrology facility – First time violation \$300, Second time violation \$600.

10. Protective eyewear for all persons in laser room during operation of laser – First time violation \$300, Second time violation \$600.



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: 383.011, 120.535 FS.

LAW IMPLEMENTED: 383.011, 120.535 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: Bob Peck, Department of Health, 4052 Bald Cypress Way, Bin #A13, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-3.001 Definitions.

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

(1) through (6) No change

(7) “Healthy Start ~~child infant~~” means ~~an child infant~~, less than ~~three years of age (0-36 months) twelve months of age~~, at increased risk for impairment in health, intellect, or functional ability due to environmental, medical, nutritional, behavioral, or developmental risk factors as determined by the department’s risk screening instrument as defined in Chapter 64C-7, F.A.C., or by risk assessments conducted subsequent to the initial screen and whose parent or family agrees to participate in Healthy Start care coordination or enhanced services.

(8) “Healthy Start participant” and “participant” mean a Healthy Start pregnant (antepartum) or postpartum woman or a Healthy Start ~~child infant~~ as defined in this section.

(9) “Healthy Start ~~postpartum~~ woman” and “Healthy Start mother” mean a woman in the antepartum or postpartum period who has increased risk of poor birth outcome due to environmental, medical, nutritional, behavioral or developmental risk factors ~~was a participant in Healthy Start care coordination during pregnancy~~ or a woman in the postpartum period who has delivered an Healthy Start infant and agreed to participate in Healthy Start care coordination or enhanced services.

(10) through (15) No change.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(e) FS. History–New 3-29-92, Amended 3-30-94, 5-8-96, Formerly 10D-114.002, Amended \_\_\_\_\_.

64F-3.002 County Health Department Responsibility. The County Health Department (CHD) is responsible for:

(1) through (3) No change.

(4) Monitoring screening instruments for completeness and obtaining corrections as needed before the screening data are entered into the statewide prenatal and infant confidential registry sending to the Office of Vital Statistics.

(5) Sending the screening forms to the county health department in the county of residence ~~Office of Vital Statistics.~~

(6) through (7) No change.

Specific Authority 120.535, 383.011(1)(e)1.,(2) FS. Law Implemented 383.011 FS. History–New 3-30-94, Formerly 10D-114.007, Amended \_\_\_\_\_.

64F-3.004 Healthy Start Care Coordination System.

The Healthy Start care coordination system will assure:

(1) Funding is available to support the CHD ~~Vital Statistics~~ screening infrastructure specified in subsections 64F-3.002(1) through 64F-3.002(6), F.A.C.

(2) through (3) No change.

(4) The provider of care coordination services will:

(a) Receive and review screening reports from the State Health Office ~~and the Office of Vital Statistics~~ and reconcile discrepancies in screening data.

(b) Provide ongoing quality control for data related to Healthy Start screening and care coordination as specified by the department.

(5) through (9) No change.

(10) Development or review of local written procedures in collaboration with CMS Early Steps DEI or Neonatal Intensive Care Units (NICU) staff addressing care coordination of participants admitted to CMS Early Steps DEI or NICU.

(11) No change.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(e) FS. History–New 3-30-94, Amended 5-8-96, Formerly 10D-114.009, Amended \_\_\_\_\_.

64F-3.005 Care Coordination Services.

(1) Initial contact after screening.

(a) Initial contact after screening is provided to all pregnant women and families of infants receiving positive Healthy Start screens who consent to be contacted and all ~~pregnant~~ women and families of children under age 3 infants who have been referred to the care coordination provider by a professional, themselves, or their families for Healthy Start care coordination services.

(b) In the event the participant is unable to access health care services or is in need of further care coordination services, a face-to-face assessment of service needs is provided.

(2) through (3) No change.

(4) Care coordination closure.

(a) Healthy Start care coordination services include initial contact after Healthy Start risk screening, assessment of service needs, and care coordination. Care coordination closure occurs anytime during the course of Healthy Start care coordination service delivery when one of the following situations applies:

1. The participant or family of the ~~child infant~~ requests to discontinue participation.
2. The family and health care provider or health-related professional agree there is no longer a need for services.
3. The participant transfers to another provider of care coordination.
4. ~~Three years have elapsed since the Healthy Start woman's most recent delivery. The maternity participant has received postpartum health and family planning services.~~
5. The Healthy Start ~~child infant~~ participant reaches ~~three years~~ one year of age.
6. The participant cannot be located and three documented attempts have been made to locate.

(b) Care coordination closure activities include the following.

1. Notification of the participant's primary service providers of the date and reason for closure.
2. Completion of referrals to other service providers if continuing or additional services are needed and desired.
3. Transition to another care coordination provider with release of information and record transfer.
4. Documentation of all attempts to locate participants who have been lost to follow-up.
5. Care coordination closure within five working days in the department's management information system.
6. Documentation of an explanation of care coordination closure in the participant's record.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(e) FS. History—New 3-30-94, Amended 5-8-96, Formerly 10D-114.010, Amended

64F-3.006 Enhanced Services.

Enhanced services are those services that improve the outcome of pregnancies, the health and well-being of mother and families, and optimize the health and development of children. Enhanced services include client and participant identification, childbirth education, parenting education and support, nutritional counseling, psychosocial counseling, smoking cessation counseling, breastfeeding education and support, home visiting to provide care coordination and other enhanced services, and other services which improve health and developmental outcomes and access to care. Enhanced services

are part of the care coordination system and can be provided individually or in group settings, in the home, neighborhood, school, workplace, or clinic, wherever the concerns, priorities, and needs of the participant and family can best be met. All client and service reporting requirements for enhanced services must be documented on the department's management information system.

(1) through (4) No change.

(5) Psychosocial counseling shall be provided by professionals with one of the following credentials:

- (a) Social Worker with a master's degree or a Ph.D. from an accredited School of Social Work.
- (b) Registered Nurse with specialized education, training, and experience in psychosocial counseling.
- (c) Professionals with a license in Marriage and Family Therapy, Mental Health Counseling, or Clinical Social Work.
- (d) Counselor with a Master of Science or Master of Arts degree in counseling.
- (e) Psychologist with a Master of Science, Master of Arts or Doctorate.

(6) Smoking cessation counseling shall be provided by individuals who have received ~~particular~~, specialized training in using a prenatal smoking cessation curriculum approved by the coalition, to provide smoking cessation information, education and support. Smoking cessation counseling and services are provided by a Healthy Start care coordinator or a contracted provider through a contract, or under the supervision of a Healthy Start care coordinator, health care provider, or other health-related professional.

(7) through (8) No change.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(e) FS. History—New 3-30-94, Amended 5-8-96, Formerly 10D-114.011, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Bob Peck

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2005

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

**DEPARTMENT OF TRANSPORTATION**

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

**NOTICE OF CHANGE**

**SUMMARY OF CHANGE:** The following changes are made in response to a Joint Administrative Procedures Committee review:

1. 14-90.004(3)(h): The effective date of October 1, 2004, is being added for the Code of Federal Regulations citations incorporated by reference.
  2. 14-90.0041(2) Form 725-030-11: The Social Security Number block is being deleted from the form and the revision date of the form is changed to 07/05 and the form number reference within the rule text is corrected to show the form number as 725-030-11 instead of 775-030-11.
  3. 14-90.007(1)(c) and (14): The effective date of October 1, 2004, is being added for the Code of Federal Regulations citations incorporated by reference.
- Notice of rulemaking was published in Vol. 31, No. 18, Florida Administrative Weekly, dated May 6, 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."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
59G-4.002	Medicaid Provider Reimbursement Schedule
59G-4.010	Advanced Registered Nurse Practitioner Services
59G-4.030	Birth Center Services
59G-4.040	Chiropractic Services
59G-4.110	Hearing Services
59G-4.160	Outpatient Hospital Services
59G-4.190	Independent Laboratory Services
59G-4.210	Optometric Services
59G-4.220	Podiatry Services
59G-4.230	Physician Services
59G-4.231	Physician Assistant Services
59G-4.240	Portable X-Ray Services
59G-4.270	Registered Nurse First Assistant Services
59G-4.340	Visual Services

**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. 16, April 22, 2005, issue of the Florida Administrative Weekly (FAW). In response to written comments received from the Joint Administrative Procedures Committee, the materials being incorporated in the following rules have been revised as follows:

- 59G-4.002 Medicaid Provider Reimbursement Schedule.  
The rule incorporates by reference the Florida Medicaid Provider Reimbursement Schedule. We revised the cover page of the Reimbursement Schedule to correspond with the headings on the fee schedule pages. We revised the titles of the each fee schedule to state the name of the service followed by "fee schedule."
- 59G-4.010 Advanced Registered Nurse Practitioner Services.  
The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Advanced Registered Nurse Practitioner Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added



to the note on reserved Appendices D and E that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.030 Birth Center Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Birth Center and Licensed Midwife Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added to the note on reserved Appendices A, B, and C that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.040 Chiropractic Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Chiropractic Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added to the note on Appendix A that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.110 Hearing Services.

The rule amendment incorporates by reference update January 2005-2 to the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004. In the January 2005-2 handbook update, we added to the note on reserved Appendices A and B that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.160 Outpatient Hospital Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Hospital Services Coverage and Limitations Handbook, March 2003. In the January 2005 handbook update, we added to the note on Appendix C that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.190 Independent Laboratory Services.

The rule amendment incorporates by reference update January 2005-1 to the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003. In the January 2005-1 handbook update, we added to the note on Appendix E that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.210 Optometric Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Optometric Services Coverage and Limitations Handbook, January 2005. In the January 2005 handbook update, we added to the note on Appendix A that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.220 Podiatry Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2004. In the January 2005

handbook update, we added to the note on Appendix A that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.230 Physician Services.

The rule amendment incorporates by reference update January 2005-1 to the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004. In the January 2005-1 handbook update, we added to the note on Appendices H, I, J and K that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.231 Physician Assistant Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Physician Assistant Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added to the note on Appendices D and E that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.240 Portable X-Ray Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Portable X-Ray Services Coverage and Limitations Handbook, October 2003. In the January 2005 handbook update, we added to the note on Appendix A that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.270 Registered Nurse First Assistant Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Registered Nurse First Assistant Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added to the note on Appendix B that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

#### 59G-4.340 Visual Services.

The rule amendment incorporates by reference update January 2005 to the Florida Medicaid Visual Services Coverage and Limitations Handbook, January 2004. In the January 2005 handbook update, we added to the note on Appendix A that the Reimbursement Schedule is incorporated by reference in Rule 59G-4.002, F.A.C.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.:  
61B-23.00215

RULE TITLE:  
Regular Elections; Vacancies  
Caused by Expiration of Term;  
Resignations; Death; Election  
Monitoring

**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)l., F.S., published in Vol. 31, No. 17, April 29, 2005, issue of the Florida Administrative Weekly. Proposed DBPR Form CO 6000-9, PETITION FOR APPOINTMENT OF ELECTION MONITOR, will also be amended to reference the implementing rule and provide a time and place for the election.

NOTE: The add/delete coding shown on the following changes reflects changes from text as proposed rather than amendments from current Florida Administrative Code.

Paragraph 61B-23.00215(2)(a), F.A.C., is amended to read:

(2)(a) Form of petition. In order to file a petition for the appointment of an election monitor, a unit owner must complete DBPR FORM CO 6000-9, PETITION FOR APPOINTMENT OF ELECTION MONITOR, incorporated by reference and effective \_\_\_\_\_, available by contacting the Division of Florida Land Sales, Condominiums, and Mobile Homes, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, or shall use a substantial equivalent of the form which shall contain the following information. The form must, as applicable:

- 1. through 8. No change.
- 9. State the date, place, and time of the election.

Subsection 61B-23.00215(3), F.A.C., is amended to read:

(3) Time to File. The petition for appointment of an election monitor must be filed with the ombudsman not less than 14 days in advance of a planned election to provide sufficient time to process the petition, provide for verification of the signatures, and appoint a monitor. ~~If insufficient time exists to perform these activities, the ombudsman may return the petition for appointment of election monitor and any supporting materials to the owners petitioning for a monitor.~~

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.:	RULE TITLE:
61G17-5.0043	Obligation of Continuing Education Providers

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 13, April 1, 2005, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NOS.:	RULE TITLES:
64B9-17.001	Statement of Intent of Purpose
64B9-17.002	Definitions
64B9-17.003	Competency and Knowledge Requirements

**NOTICE OF PUBLIC HEARING**

The Board of Nursing hereby gives notice of a public hearing on the above-referenced rules to be held on August 10, 2005 at 6:00 p.m. at the Board Meeting in the Adams Mark Hotel, 225 Coastline Drive, Jacksonville, FL 32202. The rule was originally published in Vol. 31, No. 11 of the March 18, 2005 Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, R.N., Ph.D., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-50.001	Purpose and Intent
67-50.005	Definitions
67-50.040	General Program Restrictions
67-50.045	Scattered Site Developments
67-50.050	HAP Restrictions
67-50.060	HOME Restrictions

**NOTICE OF CHANGE**

Notice is hereby given that in response to oral and written comments and non-published technical corrections/clarifications the following changes have been made to Rule 67-50, Florida Administrative Code, as published in Vol. 31, No. 17 of the Florida Administrative Weekly, on April 29, 2005.

PURPOSE, EFFECT AND SUMMARY: The purpose of these rule amendments is to refine the procedures by which the Corporation shall administer the Homeownership Loan Program.

67-50.001 Purpose and Intent.

(2) Administer the Application process, determine loan amounts, and service loans to Developers for the construction of affordable housing and provide purchase assistance to Eligible Homebuyers under the HOME Investment Partnerships (HOME) Homeownership Program as authorized by Section 420.5089, F.S. and HUD regulations, 24 CFR § 92, which is adopted and incorporated into this rule chapter by

reference and which is available on the HUD website at <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/index.cfm> ~~www.hud.gov~~.

#### 67-50.005 Definitions.

(3) "Adjusted Income" means the gross income from wages or assets, cash or non-cash contributions, and any other resources and benefits determined to be income by the U.S. Department of Housing and Urban Development (HUD), adjusted for household size, as defined in 24 CFR § 5.609, formerly known as Section 8, which is adopted and incorporated herein by reference and which is available at <http://www.gpoaccess.gov/cfr/index.html> ~~on the HUD website at www.hud.gov~~.

For HAP, the 4-person income limit will be utilized for households of 1 to 4 persons with adjustments made for additional household members.

(15) "CHDO" or "Community Housing Development Organization" means an organization as defined in Section 420.503(7), F.S. and organized pursuant to ~~24 CFR § 92 HUD Notice CPD 97-11~~, which is adopted and incorporated herein by reference and which is available at <http://www.gpoaccess.gov/cfr/index.html> ~~on the HUD website at www.hud.gov~~.

(21) "Contractor" ~~or "General Contractor"~~ means a person or entity duly licensed by the State of Florida who provides services in accordance with Chapter 489, F.S.

(75) "Project" or "Property" means Project as defined under Section 420.5037, F.S.

#### 67-50.040 General Program Restrictions.

(1) Eligible Developments must:

(a) No change.

(b) Consist of at least four (4) Units, with a maximum of fifty (50) Units, with the exception of Scattered Site Developments which are limited to twenty-five (25) Units homes;

(c) through (d) No change.

#### 67-50.045 Scattered Site Developments.

(1) A Scattered Site Development must meet the definition in subsection 67-50.005(83), F.A.C., under this rule chapter and cannot exceed twenty-five (25) Units. Information in this section is meant to clarify the credit underwriting and environmental review process. All other requirements of HLP still apply.

(4) Upon completion of credit underwriting and approval from the Board, the Developer must identify suitable lots in groups of a minimum of four (4), demonstrate site control for those lots, and provide the appropriate information to all service providers for further analyses relating to environmental impacts, suitability and affordability within six (6) months of Board approval date.

(5) All Scattered Site Developments will be required to undergo an environmental analysis in accordance with ASTM E1528-00 standards, which is adopted and incorporated into this rule chapter by reference and which is available by contacting the Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. The analysis must be completed prior to the submission of the group of four (4) or more lots to the Corporation.

(6) For HOME developments only, as an additional HUD requirement, Florida Housing's environmental specialist, or designee, will perform the environmental analysis pursuant to 24 CFR § 92.352, which is adopted and incorporated into this rule chapter by reference and which is available at http://www.gpoaccess.gov/cfr/index.html.

#### 67-50.050 HAP Restrictions.

(6) The terms of the HAP Purchase Assistance Loan made to an Eligible Homebuyer are as follows:

(a) through (b) No change.

(c) A HAP Purchase Assistance Loan is limited to the lesser of twenty five percent (25%) of the purchase price of the house or the amount necessary to enable the purchaser to meet credit underwriting criteria \$30,000.

(d) through (g) No change.

#### 67-50.060 HOME Restrictions.

(8) All contracts for the construction of a Development with 12 or more HOME-Assisted Units must contain a provision requiring that the wages paid to all laborers and mechanics employed for the construction of the Development will not be less than the wages prevailing in the locality, as predetermined by the U.S. Secretary of Labor pursuant to the Davis-Bacon Act, 40 U.S.C. § 276a-265-a-5 (1994), 24 CFR § 92.354, ~~24 CFR CRF § 70 (volunteers) and 40 U.S.C. 276c; which are adopted and incorporated herein by reference and which are available on the HUD website at www.hud.gov~~. Such contracts shall also be subject to the overtime provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 327-333 (1994), and the Copeland Act (Anti-Kickback Act) 40 U.S.C. § 276c (1994) and the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), which are adopted and incorporated herein by reference and which are available at <http://www.gpoaccess.gov/cfr/index.html> ~~or http://www.gpoaccess.gov/uscode/index.html on the HUD website at www.hud.gov~~.

(10) ~~If the Development contains 12 or more HOME-Assisted Units, Davis Bacon shall apply to all units in the Development.~~ The Corporation requires attendance at a FHFC-sponsored preconstruction conference prior to the commencement of any physical construction activities regardless of the use of HOME funds. No waivers for this conference will be granted.

(13) All HOME Developments must conform to the following federal requirements ~~which are adopted and incorporated herein by reference and available at <http://www.gpoaccess.gov/cfr/index.html> or <http://www.gpoaccess.gov/uscode/index.html>:~~

(a) Equal Opportunity and Fair Housing as enumerated in 24 CFR § 92.202 and 92.250, 42 U.S.C. 2000d et seq., 42 U.S.C. 3601-3620, 42 U.S.C. 6101, and 24 CFR § 5.105(a); ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(b) Affirmative Marketing as enumerated in 24 CFR § 92.351; ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(c) Environmental Review as enumerated in 24 CFR § 92.352, 24 CFR § 58 and National Environmental Policy Act of 1969; ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~ The Corporation requires HUD Environmental Review clearance prior to commencing any physical construction activities, regardless of the use of HOME funding.

(d) Displacement, Relocation, and Acquisition as enumerated in 24 CFR § 92.353, 42 U.S.C. 4201-4655, 49 CFR § 24, 24 CFR § 42 (Subpart B), and Chapter 104(d) "Barney Frank Amendments"; ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(e) Labor Standards as enumerated in 24 CFR § 92.354, 40 U.S.C. 276a-276a-5, 24 CFR § 70 (volunteers), and 40 U.S.C. 276c; ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(f) Lead-based Paint as enumerated in 24 CFR § 92.355, 42 U.S.C. 4821 et seq., 24 CFR § 35 and 24 CFR § 982.401(j) (except paragraph 982.401(j)(1)(i)); ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(g) Conflict of Interest as enumerated in 24 CFR § 92.356, 24 CFR § 85.36 and 24 CFR § 84.42; ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(h) Debarment and Suspension as enumerated in 24 CFR § 5; ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(i) Flood Insurance as enumerated in Section 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106); ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(j) Handicapped Accessibility as enumerated in 24 CFR § 8 and 24 CFR § 100.205; ~~which are adopted and incorporated herein by reference and which are available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(k) Equal Opportunity Employment as enumerated in 41 CFR § 60; ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(l) Economic Opportunity as enumerated in 24 CFR § 13.5; ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

(m) Minority/Women Employment as enumerated in 24 CFR § 85.36(e); ~~which is adopted and incorporated herein by reference and which is available on the HUD website at [www.hud.gov](http://www.hud.gov).~~

The following changes were made to the Application Package – HOMEOWN-0530 (Rev. 8/1/05):

Applicant Certification and Acknowledgement (Exhibit 1):

Certification statement changed as follows:

Pursuant to Section 837.06, Fla. Stat., it is a misdemeanor to make a false statement on this "Application Certification and Acknowledgement". The foregoing information is true, correct, and complete to the best of the Applicant's knowledge and belief. Under the penalties of perjury, I declare and certify that I have read the foregoing and that the information is true, correct and complete.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE NO.: 68B-14.0045

RULE TITLE:

Commercial Harvest Requirements; Licenses, Season Closures, Bag and Trip Limits

**NOTICE OF WITHDRAWAL**

The Fish and Wildlife Conservation Commission hereby announces the withdrawal of the Notice of Intent to Adopt a Rule (pursuant to Section 120.54(6), Florida Statutes) regarding the above-referenced proposed rule, published in Vol. 31, No. 11, March 18, 2005 issue of the Florida Administrative Weekly, page 1077.

This Notice of Withdrawal does not affect the Notice of Intent to Adopt a Rule for Rule 68B-14.0045, F.A.C., published in Vol. 31, No. 17, April 29, 2005 issue of the Florida Administrative Weekly, pages 1580-1581.

## Section IV Emergency Rules

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

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

### DEPARTMENT OF MANAGEMENT SERVICES

#### Agency for Workforce Innovation

RULE TITLES:	RULE NOS.:
Voluntary Prekindergarten Parent Application and Procedures	60BBER05-1
Voluntary Prekindergarten Provider Application and Procedures	60BBER05-2
Voluntary Prekindergarten Child Eligibility	60BBER05-3
Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment	60BBER05-4

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE:** In December 2004, at its Special Session "A," the Legislature enacted House Bill 1-A (ch. 2004-484, L.O.F.), which created the Voluntary Prekindergarten (VPK) Education Program. This bill was approved by the Governor and became effective on January 2, 2005. Section 1002.53(4)(a), F.S., as created by s. 2, ch. 2004-484, L.O.F., requires the Agency for Workforce Innovation to direct the operations of the VPK program, including the prescription of forms for enrolling a child in the program and registration of a provider to deliver the program. The bill further provides that the VPK program will begin in the 2005-2006 school year, which will begin in August or September 2005. Due to the fact that the Agency for Workforce Innovation is charged with ensuring that providers are registered and children are enrolled by this time, these forms and instructions are necessary to carry out the legislative intent.

**REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Agency for Workforce Innovation is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes, which require advance notice to the general public of intended rules and the opportunity to submit comments on the intended rule, prior to the agency's final adoption of the rule. The time period for general rulemaking takes at least 60 days and would likely prevent the timely adoption of this rule in order to distribute applications, register providers and children, and enroll children prior to the beginning of the 2005-2006 school year.

Adoption of the emergency rule is therefore necessary to implement the VPK for the 2005-2006 school year as intended by the legislature.

Additionally, adequate notice procedures were used by the Agency for Workforce Innovation to inform the public and other interested parties of the pending rulemaking subject matter by publication on February 25, 2005 in Volume 31 Number 8 of the Florida Administrative Weekly.

**SUMMARY OF THE RULE:** The proposed emergency rule seeks to establish procedures for coalitions related to parent and provider applications and child eligibility and enrollment.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS:** Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

**THE FULL TEXT OF THE EMERGENCY RULES IS:**

60BBER05-1 Parent Application and Procedures.

(1) Application.

A parent wishing to enroll his or her child in the Voluntary Prekindergarten (VPK) Education Program must fill out form AWI-VPK 01 (Parent Application), version date May 12, 2005, which is hereby incorporated by reference. This application must be completed to determine whether a child is eligible for the VPK Program. The application must be completed in full by a parent or guardian with whom the child lives.

(2) Availability of forms and submission.

A parent may also complete this application online at [www.vpkflorida.org](http://www.vpkflorida.org), or obtain a paper application from any early learning coalition. If a paper form is used, the parent must mail or deliver the completed paper form to the early learning coalition of the county in which the child will receive services. This may be the county where the parent lives, where the parent works, or a neighboring county. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at [www.vpkflorida.org](http://www.vpkflorida.org).

(3) Documentation of Child's Residency and Date of Birth  
Within 30 days after receiving an application, the early learning coalition will contact the parent with instructions on how to submit the documentation of the child's residency and date of birth in accordance with Rule 60BBER05-04.

Specific Authority 1002.79 FS Law Implemented 1002.53(4), 1002.75(2)(a) FS. History--New 6-15-05.

60BBER05-2 Provider Application and Procedures.

(1) Application.

A private provider or public school interested in delivering the Voluntary Prekindergarten Education (VPK) Program must complete an application Form AWI-VPK 10 (Statewide Provider Registration Application), version date April 29,

2005, which is hereby incorporated by reference. Completing the application does not guarantee approval to deliver the VPK program.

(2) Completing the application form.

This application is available electronically as an editable form in Adobe® Portable Document Format (PDF) at www.vpkflorida.org. The form is also available from any early learning coalition as a paper form. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org.

An application may be completed by:

(a) Using Adobe® Reader® to edit the form fields on a computer and printing a paper copy for submission, or

(b) Using a blank paper form and completing it by typing or printing clearly in black or blue ink.

(3) Submitting the application.

Mail or deliver the completed application to the early learning coalition in the county in which your VPK site is located. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org. Submit this form with all required attachments.

(4) Notification of application completion.

The early learning coalition in the county in which the provider is located will notify the Provider if the provider or school is "provisionally eligible" to deliver VPK, or if any additional information is necessary, within 30 days after receipt of the application. Each "provisionally eligible" provider or school must also complete Form AWI-VPK 11 (2005-2006 Class Registration Application) version date April 29, 2005, which is hereby incorporated by reference. Once the provider has submitted all of the required information, the early learning coalition will notify it in writing whether the provider or school is eligible to deliver the VPK program.

Specific Authority 1002.79 FS Law Implemented 1002.61, 1002.75(2)(c) FS. History--New 6-15-05.

60BBER05-3 Child Eligibility.

(1) Child Eligibility.

To be eligible for the VPK program, a child must reside in Florida and be 4 years old on or before September 1 of the school year in which the child wishes to enroll. A child remains eligible for the VPK program until the beginning of the school year for which the child is eligible for admission to kindergarten in a public school. Early Learning Coalitions must determine child eligibility by verifying the child's age eligibility, residence eligibility, and participation eligibility.

(a) Age Eligibility

1. All children who reside in Florida who have attained 4 years of age on or before September 1 of the school year in which the child wishes to enroll are eligible for VPK, including those children with a disability as defined by 20 U.S.C. § 1401(3)(a).

2. When a child becomes eligible for kindergarten or is admitted into kindergarten the child is no longer eligible for VPK. A child who is five years of age on or before September 1 is eligible for kindergarten and is not eligible for VPK. Likewise, a child who has not attained 4 years of age by September 1 of a school year is not eligible for VPK during the school year or summer program that immediately follows.

3. During the application process, a coalition or its contracting agency shall collect and retain in the child's file a photocopy of at least one of the following documents for purposes of verifying age:

a. An original or certified copy of the child's birth record filed according to law with a public officer charged with the duty of recording births;

b. An original or certified copy of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;

c. An insurance policy on the child's life that has been in force for at least two years, which reflects the child's birth date;

d. A religious record of the child's birth accompanied by an affidavit sworn to by the parent;

e. A passport or certificate of arrival in the United States showing the birth date of the child;

f. A transcript of record of age shown in the child's school record from at least 4 years prior to application, stating date of birth;

g. An immunization record indicating the date of birth, signed by a public health officer or by a licensed practicing physician;

h. A valid military dependent identification card showing the date of birth; or

i. If none of the documents listed above can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age reflecting the child's birth date, signed by a public health officer or by a licensed practicing physician which states that the physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

(b) Residence eligibility.

1. All 4 year old children must reside in the State of Florida. Coalitions are only to establish where the child lives, not test the legal residency of the child. Those persons who have not established Florida as their legal residence, but are residing for an extended period of time, are qualified to receive services (e.g., work and education visas or immigrants).

2. The following are acceptable documents to establish where a child resides and must contain the name of the parent/guardian of the child and the address of the parent/guardian as submitted on Form AWI-VPK 01 (Parent Application). Post office boxes are not sufficient to determine residency. During the application process, the coalition shall collect and retain a copy of at least one of the following documents for purposes of verifying residency:

- a. Utility bills,
- b. Bank statements,
- c. Insurance policies,
- d. Pay stubs, or
- e. Government documents (e.g., prior tax returns, Florida Driver's license).

3. A homeless child, as defined in Section 1003.01, F.S., must have access to the VPK program. Coalitions shall assist homeless children and may determine residency based on other documentation as necessary (e.g., letter from homeless shelter).

(c) Participation eligibility.

1. Coalitions are responsible for ensuring that a child receives services and funding for one full-time equivalent as established in Section 1002.71(4), F.S.

2. A parent may enroll the child in one of the following programs as established in Section 1002.53(3), F.S.

a. A school-year prekindergarten program delivered by a private prekindergarten provider under Section 1002.55, F.S.;

b. A summer prekindergarten program delivered by a public school or private prekindergarten provider under Section 1002.61, F.S.; or

c. A school-year prekindergarten program delivered by a public school, if offered by a school district that is eligible under Section 1002.63, F.S., residency based on other documentation as necessary.

Specific Authority 1002.79 FS Law Implemented 1002.53(2)(3)(4)(b), 1002.69(4), 1002.71(2)(4)(a), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. FS. History—New 6-15-05.

60BBER05-4 Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment.

(1) For purposes of this Rule:

(a) "Enroll" or "enrollment" means recording an association in the Enhanced Field System (EFS) between a child who has been determined eligible for the VPK program and the provider or school chosen by the child's parent or guardian.

(b) "Qualified contractor" means a legal entity operating under contract with an early learning coalition which is authorized to perform eligibility and enrollment services on behalf of the coalition. If an early learning coalition contracts for eligibility and enrollment services, the coalition is ultimately responsible for ensuring that the contractor performs these services in accordance with this program instruction.

(c) "Register" or "registration" means recording a parent's or guardian's request for his or her child to be determined eligible to participate in the VPK program.

(d) "Eligibility and enrollment services" means registering children, conducting parent consultations, determining the eligibility of children, and enrolling children with providers or schools in the VPK program.

(2) Early learning coalitions shall follow the following procedures for registration, eligibility determination, and enrollment of children in the VPK program:

(a) Registration – A parent or guardian registering his or her child for the VPK program must either register online at [www.vpkflorida.org](http://www.vpkflorida.org) or complete Form AWI-VPK 01 and submit the completed form to the early learning coalition or its qualified contractor.

(b) Eligibility determination.

1. A early learning coalition or its qualified contractor shall determine, in accordance with Rule 60BBER05-03, the eligibility of each child. If a parent consultation is required under 2. below, the eligibility determination shall be performed during the consultation. The parent or guardian must submit to the coalition or its qualified contractor the documentation of the child's age and residence required by Rule 60BBER05-03. Upon determining that a child is eligible for the VPK program, the coalition or its qualified contractor must give the child's parent or guardian a Form AWI-VPK 02 (Certificate of Eligibility) version date May 16, 2005, which is hereby incorporated by reference, either completed by the coalition or its qualified contractor as a paper form or as an electronically generated and printed form.

2. Parent consultation.

a. Except as provided in 2.b. below, staff of the early learning coalition or its qualified contractor must perform a face-to-face consultation in person with the parent or guardian of every child that registers for the VPK program. During the consultation, the coalition's or contractor's staff shall determine the child's eligibility for the VPK program. If the child is eligible, the coalition's or contractor's staff shall give the parent or guardian profiles of providers or schools in accordance with s. 1002.53(5), F.S., describe the available program options, and explain the parent's or guardian's rights and responsibilities.

b. Notwithstanding 2.a. above, an early learning coalition is not required to perform an in-person parent consultation for a child if the coalition's staff or its qualified contractor's staff previously conducted a face-to-face consultation with the child's parent or guardian for another early learning program (e.g., school readiness program or program for prekindergarten children with disabilities), the coalition or its contractor maintains the child's records for the other early learning program, and the coalition or its contractor verifies against those records the completed Form AWI-VPK 01 and supporting documentation submitted by the parent or guardian.

(c) Enrollment – To complete a child’s enrollment, the private prekindergarten provider or public school must submit the child’s name and certificate number (from Form AWI-VPK 02) to the coalition or its qualified contractor, associating the child in the Enhanced Field System (EFS) with the provider’s or school’s appropriate VPK prekindergarten class. Each early learning coalition is encouraged, but not required, to notify a parent or guardian by U.S. Mail after the enrollment of his or her child with the provider’ or school’ class is completed in EFS.

Specific Authority 1002.79 FS. Law Implemented 1002.53(4)(a), 1002.75(2)(a) FS. History—New 6-15-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: June 15, 2005

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section V**  
**Petitions and Dispositions Regarding Rule**  
**Variance or Waiver**

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Juan Patarroyo on June 13, 2005, a petition for Waiver of subsection 11B-27.002(4), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer retake basic recruit training if the officer is not employed as an officer within four years of beginning basic recruit training.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

NOTICE IS HEREBY GIVEN that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Lachande Thompson on June 13, 2005, a petition for Waiver of subsection 11B-27.002(4), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer retake basic recruit training if the officer is not employed as an officer within four years of beginning basic recruit training.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel Grace A. Jaye.

A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

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

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

**DEPARTMENT OF MANAGEMENT SERVICES**

Pursuant to Section 120.542, Florida Statutes, you are hereby notified that a Petition for Variance or Waiver has been filed with this agency requesting a waiver of the above cited Rule. The pertinent information is as follows:

Petitioner: Jeanne S. Hoffman  
Date of Filing: May 27, 2005  
Rule Number: 60S-4.0035(3)(c), F.A.C.  
Nature of Rule: Requires a retirement application to be filed before the payment of benefits under the Florida Retirement System and establishes an effective retirement date based on the date of filing of the application for benefits.

A copy of the Petition can be obtained by contacting: Thomas E. Wright, Assistant General Counsel, Department of Management Services, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950, (850)487-1230.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on May 26, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Marsal Catering. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the



provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on May 31, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), F.A.C., from Belle and Maxwell's located in West Palm Beach. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to add an additional seventeen (17) seats for a total of twenty-seven (27) seats which exceeds the seating capacity with only one accessible bathroom facility accessible to customers.

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.

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NOTICE IS HEREBY GIVEN that on June 10, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), F.A.C., from Café del Hidalgo located in St. Augustine. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to add an additional twenty (20) seats for a total of thirty (30) seats which exceeds the seating capacity with only one accessible bathroom facility accessible to customers.

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.

The Bureau of Elevator Safety hereby gives notice that on June 1, 2005, it Issued an Order Granting Variance Request in response to a petition filed on March 3, 2005, (as advertised in FAW Vol. 31, No. 12) by Lee Rigby of Vertical Assessment Associates on behalf of Faith Presbyterian Church (VW 2005-020), seeking a waiver from Rule 2000.1a(7) of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to have less than the 2 inches clearance between the read side guard and the enclosure. The variance was granted as the petitioner proposed to extend the rear side platform guard to a full six feet above the platform to preclude the possibility of accidental pinching of fingers or hands thus meeting the intent of the code.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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The Bureau of Elevator Safety hereby gives notice that on June 7, 2005, it issued three Orders Granting Variance Request in response to petitions filed on March 11, 2005 and advertised in FAW Vol. 31, No. 13, by Robert Gerdt of Otis Elevator regarding Promenade at Riverwalk Condos, Group 1-3, Elevators 1-3 (VW 2005-027, 2005-028 & 2005-029). The petitions sought a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on June 7, 2005, it issued an Order Granting Variance Request in response to a petition filed on March 18, 2005 and advertised in FAW Vol. 31, No. 13, by Kenin Lynes of Otis Elevator regarding Serena Bay Condominium Project (VW 2005-030). The petition sought a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petition was granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 7, 2005, it issued an Order Granting Variance Request in response to a petition filed on March 18, 2005 and advertised in FAW Vol. 31, No. 13, by Patricia Serley of Otis Elevator regarding Ariel Dunes Condominium (VW 2005-031). The petition sought a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petition was granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on June 7, 2005, it issued an Order Granting Variance Request in response to a petition filed on March 18, 2005 and advertised in FAW Vol. 31, No. 13, by Patricia Serley of Otis Elevator regarding Ariel Dunes Condominium Phase 2 (VW 2005-032). The petition sought a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petition was granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on June 7, 2005, it Issued an Order Granting Variance Request in response to a petition filed March 30, 2005 and advertised in FAW Vol. 31, No. 16, by Steve Powell of KONE, Inc. regarding Moffitt West Clinic Expansion (VW 2005-036). The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on June 7, 2005, it issued an Order Granting Variance Request in response to a petition filed on April 5, 2005 and advertised in FAW Vol. 31, No. 16, by Patricia Serley of Otis Elevator regarding Paradise Pointe Condominium Project (VW 2005-039). The petition sought a waiver from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petition was granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on June 7, 2005, it Issued an Order Granting Variance Request in response to a petition filed April 6, 2005 and advertised in FAW Vol. 31, No. 16, by Steve Powell of KONE, Inc. regarding Solomon Tropp Office Building (VW 2005-040). The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on June 7, 2005, it Issued an Order Granting Variance Request in response to a petition filed April 6, 2005 and advertised in FAW Vol. 31, No. 16, by Steve Powell of KONE, Inc. regarding Manatee Memorial Parking Garage (VW 2005-041). The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on June 7, 2005, it Issued an Order Granting Variance Request in response to a petition filed April 6, 2005 and advertised in FAW Vol. 31, No. 16, by Steve Powell of KONE, Inc. regarding Blake Medical Parking Garage (VW 2005-042). The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on June 7, 2005, it Issued an Order Granting Variance Request in response to a petition filed April 6, 2005 and advertised in FAW Vol. 31, No. 16, by Steve Powell of KONE, Inc. regarding Dunedin Station Square (VW 2005-043). The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, F.A.C. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that it Issued an Order Granting Variance Request on May 4, 2005 in response to a petition filed on April 15, 2005, by Jeffery Lane of Lane Architecture P.A. regarding the Clubhouse at Heron Creek Golf Club (VW 2005-048) advertized in Vol. 31, No. 18 issue of the Florida Administrative Weekly.

The petition sought a waiver from Rule 3003.1.5 of the Florida Building Code as adopted by subsection 9B-3.047(1), F.A.C., and requested to use a vertical ladder as a means of exit from the third floor platform. The petition was granted because the petitioner stated the third floor platform was to be used for maintenance access to the kitchen ventilation machinery only.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on May 11, 2005, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 100.3a and 101.6 and ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, F.A.C., which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc, requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: One Park Place Condominiums, Lake Park (Petition VW 2005-071).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on May 12, 2005, Bureau of Elevator Safety received two Petitions for Variance from ASME A.17.1, Sections 100.3a and 101.6 and ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, F.A.C., which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petitions were received from Steve Powell of KONE Inc, requesting a variance to allow the installation of MonoSpace® elevator systems in the following locations: 307 Evernia Street, West Palm Beach (Petition VW 2005-073) and Marriott Residence Inn, Daytona Beach (VW 2005-074).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on May 17, 2005, the Bureau of Elevator Safety received two Petitions for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C., which require a machine room, steel ropes and non welded terminations, from William O. Williams of Otis Elevator Company. The Petitioners are requesting a variance to allow the installation of Gen2™ elevator systems in the following locations: Ocean 9 Villas, Jacksonville Beach and Waters Edge Condominiums, Jacksonville Beach (Petitions VW 2005-079 and 2005-076 respectively).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on May 20, 2005, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 100.3a and 101.6 and ASME A17.2, Section 2.29.2, as adopted by Rule 61C-5.001, F.A.C., which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc, requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Wellington Medical Center Parking Garage, Wellington (Petition VW 2005-082).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 7, 2005, Bureau of Elevator Safety received a Petition for Variance from 101.4, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, F.A.C., requiring 7'0" clearance in the machine room. The petition was received from Randy Brownell or Hardin Construction Co. on behalf of CNL Tower II and Parking Garage located in Orlando, Florida, (Petition VW 2005-096).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN that on June 9, 2005, Florida Housing Finance Corporation received a Petition for Variance/Waiver of subsection 67-48.002(111), F.A.C., from Arbours at Williston, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that a material change of tax credit applicant shall not be allowed.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing 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., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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

#### DEPARTMENT OF STATE

The **Florida Folklife Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 26, 2005, 9:00 a.m.

PLACE: University of Central Florida, CAS (College of Arts and Science), Annex Conference Room, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact: Division of Historical Resources, (850)245-6360, Fax (850)245-6435.

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, July 28, 2005, 1:00 p.m.; Friday, July 29, 2005, 9:00 a.m.

PLACE: 500 South Bronough Street, R. A. Gray Building, Room 307, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review National Register nominations.

A copy of the agenda may be obtained by writing: Bureau of Historic Preservation, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact: Division of Historical Resources, (850)245-6360, Fax (850)245-6435.

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#### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold a telephone conference call to which all interested persons are invited to participate.

COMMITTEE: NACW Committee

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

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

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

If you need an accommodation because of disability in order to participate, please notify FCSW 5 days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

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#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off-Highway Vehicle Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Tuesday, July 12, 2005, 2:00 p.m. – 7:00 p.m. (EST)

PLACE: Cecil Conference Center, 13541 Lake Newman Street, Jacksonville, Florida 32221

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Boulevard, C25, Tallahassee, FL 32399-1650, (850)414-9852.

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#### DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces the following public meeting of the DOE/General Managers of the Florida Public Broadcasting Network to which all persons are invited:

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

PLACE: WBCC-TV, Cocoa Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business related to the administrative services provided by the Department of Education to the Public Broadcasting stations in Florida.

FOR ADDITIONAL INFORMATION, CONTACT: Ashley Roseborough, (850)245-0516, e-mail: Ashley.Roseborough@fldoe.org.

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

DATE AND TIME: July 8, 2005, 10:00 a.m. – 4:00 p.m.

PLACE: Florida Atlantic University, Florida's Art in State Buildings Program, FAU MacArthur Campus at Jupiter, 5353 Parkside Drive, AD #222, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Finalist Presentation Meeting regarding Florida's Art in State Buildings Program for BR-614 Lifelong Learning Society Complex.

COMMITTEE: Art Selection Committee

For more information or to obtain a copy of the agenda, please contact: Rachel Slaw, Program Administrator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, AD Bldg., Rm. 392, Boca Raton, Florida 33431, (561)297-2539.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review.

This meeting will not be taped by the Florida's Art in State Buildings Program. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Rachel Slaw, (561)297-2539. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

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The **Florida Rehabilitation Council** announces the following workshop/meeting to which all interested persons are invited to participate.

MEETING: Florida Rehabilitation Council Retreat

DATES AND TIME: August 4-7, 2005, 9:00 a.m. – 5:00 p.m.

PLACE: Key West, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397.

Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission, or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, 286.0105)

The **Florida Rehabilitation Council** announces the following conference call/meeting to which all interested persons are invited to participate.

MEETING: Executive

PLACE: August 16, 2005, 10:00 a.m. – 12:00 Noon

MEETING: Planning

PLACE: August 17, 2005, 9:00 a.m. – 10:00 a.m.

MEETING: Coordination

PLACE: August 18, 2005, 10:00 a.m. – 11:00 a.m.

NOTE: Phone numbers for these conference calls may be obtained by contacting Yolanda Manning.

PLACE: VR Headquarters, 2002 Old Saint Augustine Road, Tallahassee, Florida 32301-4862

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a conference call of the Florida Rehabilitation Council Coordination Committee.

A copy of the agenda may be obtained by contacting: Florida Rehabilitation Council, 2002 Old Saint Augustine Road, Building A, Tallahassee, FL 32301-4862, (850)245-3397. Any interested parties that need further information may contact: Yolanda Manning, (850)245-3320.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitation Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

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**DEPARTMENT OF COMMUNITY AFFAIRS**

AMENDED NOTICE – The previously advertised Fire Technical Advisory Committee will not be meeting on June 28, 2005 as noticed earlier. The amended notice is as follows:

The **Florida Building Commission** announces the following meetings to which all persons are invited. The meetings will be held at:

PLACE: Hilton Hotel, 333 First Street, South, St. Petersburg, Florida, (727)894-5000

DATE AND TIME: June 27, 2005, 9:00 a.m.

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 TIME: June 28, 2005

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 Amoruso, PE, Florida Extruders International Inc.

First Hearing:

DCA05-DEC-072 by Bemie 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; 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 Chapter 9B-72, Product Approval.

Rule Development Workshop on Chapter 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, web site: [www.floridabuilding.org](http://www.floridabuilding.org).

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**The State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

DATE AND TIME: July 7, 2005, 10:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)413-9970, 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, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

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**The State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of all Local Emergency Planning Committees chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: July 7, 2005, 1:30 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency

Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)413-9970, 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.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

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**The State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting to which all persons are invited.

DATE AND TIME: July 8, 2005, 10:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)413-9970, 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.

A copy of the agenda may be obtained by writing to the Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

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**DEPARTMENT OF TRANSPORTATION**

The **Department of Transportation**, District 5 announces a public meeting to which all persons are invited.

DATE AND TIMES: July 14, 2005, 4:00 p.m. – 8:00 p.m.

PLACE: Daytona Beach Community College, 1155 County Road 4139, Building 6C, Room 135, DeLand, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public information meeting is regarding ongoing and planned improvements to I-4 in Volusia County from Saxon Boulevard to I-95, a distance of about 20 miles. The meeting will be held in an “open house” format with brief presentations at the beginning of every hour. Representatives from FDOT will be available to discuss the improvements with the public.

I-4 improvement projects include widening the interstate from four lanes to six lanes in each direction, reconstruction of several bridges over I-4, interchange improvements, construction of 2 noise walls, and construction of three wildlife crossings.

Information may be obtained by contacting: Derek Hudson, I-4 Public Information Office, c/o Global-5, 2180 West SR 434, Suite 1150, Longwood, Florida 32779, toll free 1(888)454-4884.

Persons requiring special accommodations under the American Disabilities Act of 1990 should contact the I-4 Public Information Office, toll free 1(888)454-4884. Special accommodation requests should be made at least seven (7) days prior to the meeting.

The **Department of Transportation**, District 3 announces a public hearing to which all persons are invited:

DATE AND TIMES: Thursday, July 21, 2005, 6:00 p.m. – 7:00 p.m. – Open House; 7:00 p.m. – Public Hearing

PLACE: FDOT Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida 32399-0450

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 Number: XA-185-5(19); Financial Project Number: 219851-1-22-01, otherwise known as the U.S. 27/SR 20/Apalachee Parkway Project Development and Environment (PD&E) Study. The limits of the project corridor are from west of Blair Stone Road to Chaires Cross Road in Leon County, Florida. The hearing will begin with an open house at 6:00 p.m., at which time the public may review maps, drawings, and other pertinent information developed by the FDOT and their consultants. The open house will be followed by a formal presentation at 7:00 p.m.

Maps, drawings, and other pertinent information developed by the Florida Department of Transportation and their consultants will be available for public inspection at the CRTPA office on

the 4th floor of Tallahassee City Hall, 300 South Adams Street, from June 27, 2005 until July 21, 2005 and at the hearing site beginning at 6:00 p.m. on July 21, 2005.

Anyone with project-related questions or anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact: Mr. Steve Ferrell, P.E., Wilbur Smith Associates, 3191 Maguire Boulevard, Suite 200, Orlando, FL 32803, (407)896-5851, e-mail: sferrell@wilbursmith.com. You can also contact: Chris Merritt, PBS&J Public Involvement Coordinator, (850)575-1800, e-mail: clmerritt@pbsj.com.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

**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.”

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 6, 2005, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 041144-TP – Complaint against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for alleged failure to pay intrastate access charges pursuant to its interconnection agreement and Sprint's tariffs and for alleged violation of Section 364.16(3)(a), F.S., by Sprint-Florida, Incorporated.

DATE AND TIME: July 12, 2005, 9:30 a.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the complaint against KMC Telecom III LLC, KMC Telecom V, Inc., and KMC Data LLC for alleged failure to pay intrastate access charges pursuant to its interconnection agreement and Sprint's tariffs and for alleged violation of Section 364.16(3)(a), F.S., by Sprint-Florida, Incorporated, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on June 20, 2005. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces Customer Meetings to be held in the following docket, to which all interested persons are invited to attend:

DOCKET NO.: 050179-TL – Petition for realignment of exchange boundaries of St. Johns, St. Augustine, Ponte Vedra Beach, Jacksonville, and Green Cove Springs, and for consolidation of Julington exchange with St. Johns exchange, by BellSouth Telecommunications Inc.

DATE AND TIMES: Tuesday, July 12, 2005, 10:00 a.m. and 6:00 p.m.

PLACE: St. Johns County Julington Creek Branch, 725 Flora Branch Blvd., Jacksonville, FL

The meetings will begin as scheduled and will continue until all customers, who wish to participate, have been heard.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive input from customers affected by BellSouth's petition to realign the St. Johns, St. Augustine, Ponte Vedra Beach, Jacksonville, and Green Cove Springs exchange boundaries and for consolidation of the Julington and St. Johns exchanges.

A copy of the agenda for any meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this Customer 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 Customer Meeting. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons are invited to attend:

DOCKET NO.: 050179-TL – Petition for realignment of exchange boundaries of St. Johns, St. Augustine, Ponte Vedra Beach, Jacksonville, and Green Cove Springs, and for consolidation of Julington exchange with St. Johns exchange, by BellSouth Telecommunications Inc.

DATE AND TIME: Wednesday, July 13, 2005, 10:00 a.m.

PLACE: St. Johns County Administrative Complex/Auditorium, 4020 Lewis Speedway, St. Augustine, FL

The meeting will begin as scheduled and will continue until all customers, who wish to participate, have been heard.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive input from customers affected by BellSouth's petition to realign the St. Johns, St. Augustine, Ponte Vedra Beach, Jacksonville, and Green Cove Springs exchange boundaries and for consolidation of the Julington and St. Johns exchanges.

A copy of the agenda for any meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this Customer 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 Customer Meeting. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces customer service hearings in the following docket, to which all interested persons are invited.

Docket No. 050045-EI – Petition for rate increase by Florida Power & Light Company.

DATE AND TIME: Thursday, July 14, 2005, 11:00 a.m.

PLACE: Commission Chambers, Sarasota County Administration Center, 1660 Ringling Blvd., Sarasota, FL

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

PLACE: Board Room, School Board of Lee County, Dr. James A. Adams Public Education Center, 2055 Central Avenue, Ft. Myers, FL

Each hearing will begin as scheduled. If no witnesses are present, the hearings may be adjourned. All persons desiring to present testimony are urged to appear at the beginning of the hearing.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To permit members of the public to give testimony regarding Florida Power & Light Company's petition for a rate increase and the quality of service provided by FPL. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

Any person requiring some accommodation at these hearings because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For further information, contact: Katherine Fleming, Office of the General Counsel, (850)413-6199. One or more Commissioners of the Florida Public Service Commission may attend and participate in the hearings.

**REGIONAL PLANNING COUNCILS**

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited.

**DATE AND TIME:** Wednesday, July 13, 2005, 9:30 a.m.  
**PLACE:** Highlands County Health Department Conference Room, 7205 South George Blvd., Sebring, Florida  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

**DATE AND TIME:** Wednesday, July 13, 2005, 10:00 a.m.  
**PLACE:** Highlands County Agriculture Extension Building, 4509 West George Boulevard, Sebring, Florida 33871

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees, and to discuss the provisions of the Emergency Planning and Community Right To Know Law (EPCRA).

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Babcock Preservation Coalition** announces a public hearing to which all persons are invited to participate.

**DATE AND TIME:** June 29, 2005, 2:00 p.m.  
**PLACE:** Southwest Florida Regional Planning Council Conference Room, 1926 Victoria Avenue, 1st Floor Conference Room, Fort Myers, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Babcock Preservation Partnership, Inc. Annual Meeting.  
 For further information, please contact: Ms. Liz Donley, Babcock Partnership Coalition c/o Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

The **Treasure Coast Regional Planning Council** announces a Regional Schools Meeting to which all persons are invited. School board members from Palm Beach, Martin, St. Lucie, Indian River and Okeechobee counties may be in attendance.

**DATE AND TIME:** July 28, 2005, 10:00 a.m.  
**PLACE:** Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: July 28, 2005, 10:00 a.m.

PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a meeting of the Technical Review Panel/Developers’ Forum.

DATE AND TIME: July 8, 2005, 3:30 p.m.

PLACE: St. Lucie County Administration Building, Commissioner Chambers, 2300 Virginia Avenue, Fort Pierce, FL 34982

GENERAL SUBJECT MATTER TO BE CONSIDERED: The panel will review comprehensive plan amendments for the North St. Lucie County area. The event will be televised.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

**WATER MANAGEMENT DISTRICTS**

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

PROJECTS AND LAND COMMITTEE

DATE AND TIME: Monday, July 11, 2005, 3:00 p.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Projects and Land Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

MEETING OF GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, July 12, 2005, 8:15 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, July 12, 2005, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, July 12, 2005, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING INCLUDING PUBLIC HEARING ON LAND ACQUISITION

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

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

BUDGET MEETING

DATE AND TIME: Tuesday, July 12, 2005, following the Governing Board meeting which begins at 1:00 p.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of budget information and consideration of a tentative millage rate and tentative budget for Fiscal Year October 1, 2005 through September 30, 2006.

A copy of the agenda may be obtained at: St. Johns River Water Management District website: [www.sjrwm.com](http://www.sjrwm.com), or calling (386)329-4500.

One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours in advance.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Monday, June 27, 2005, 2:00 p.m.

PLACE: 210 Military Trail, Town of Jupiter Community Center, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Public Meeting of the Loxahatchee River Management Coordinating Council for comments on the Northwest Fork of the Loxahatchee River Restoration Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6880, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Gardenia Banks Long, Martin/St. Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3617.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

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

PLACE: Omni Championship Resort, 1500 Masters Blvd., Championsgate, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, conduct meeting of the Human Resources Committee and Audit and Finance Committee, including public meetings, adopt a resolution amending the FY2004-05 Budget as follows:

South Florida Water Management District  
Proposed FY2004-05 Budget Amendment

	General Fund	Special Revenue Funds	Capital Projects Funds	Internal Service Fund	Total
FY2004-05 Amended Revenues and Balances	\$121,024,245	\$214,764,172	\$493,881,840	\$3,952,243	\$833,622,500
<u>Amendments:</u>					
Florida Foever Trust Fund		36,000,000			36,000,000
Aquatic Plant Control – DEP		450,000			450,000
Total Amended Revenues and Balances	\$121,024,245	\$251,214,172	\$493,881,840	\$3,952,243	\$870,072,500
Encumbrances Funded by Fund Balance	10,955,166	68,386,493	65,606,742		\$144,948,401
Encumbrances Funded by Future Revenue		13,664,988	69,288,727	10,586	\$82,964,301
Total Amended Sources	\$131,979,411	\$333,265,653	\$628,777,309	\$3,962,829	\$1,097,985,202
FY2004-05 Amended Appropriations	\$121,024,245	\$214,764,172	\$493,881,840	\$3,952,243	\$833,622,500
<u>Amendments:</u>					
Kissimmee River Restoration Land Acquisition		36,000,000			36,000,000
Mechanical Harvesting Services for Aquatic Plant Control		350,000			350,000
Aerial Application Services for Aquatic Plant Control		100,000			100,000
Total Amended Appropriations	\$121,024,245	\$251,214,172	\$493,881,840	\$3,952,243	\$870,072,500
Reserved for Encumbrances	10,955,166	82,051,481	134,895,469	10,586	227,912,702
Total Amended Appropriations & Encumbrances	\$131,979,411	\$333,265,653	\$628,777,309	\$3,962,829	\$1,097,985,202

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: District Clerk, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680.

NOTICE OF CHANGE – The **South Florida Water Management District** announces a change in place to a public meeting which was previously announced in the FAW. All interested parties are invited to participate.

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

PLACE: Omni Championship Resort, 1500 Masters Blvd., Championsgate, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Authorizing Florida Fish and Wildlife Conservation to Establish the Micco Landing Unit as Part of the Kissimmee River Public Use Area.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: <http://www.sfwmd.gov/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Fred Davis, Land Management and Operations Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7320, West Palm Beach, FL 33406, (561)682-6636.

**NOTICE OF CHANGE – The South Florida Water Management District** announces a change in place to a public meeting which was previously announced in the FAW. All interested parties are invited to participate.

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

PLACE: Omni Championship Resort, 1500 Masters Blvd., Championsgate, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Establish Stormwater Treatment Areas 1 West, 3/4 and 5 as Pubic Small Game Hunting Areas and Manage Waterfowl Hunts

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: <http://www.sfwmd.gov/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Fred Davis in the Land Management and Operations Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7320, West Palm Beach, FL 33406, (561)682-6636.

The **South Florida Water Management District** announces a private closed door attorney-client session:

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

PLACE: Omni Champions Gate Resort, 1500 Masters Boulevard, Champions Gate, FL 33896 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Association of Florida Community Developers, City of Sunrise and Florida Home Builders Association v. Department of Environmental Protection, South Florida Water Management District, Florida Audubon Society, Inc., National Audubon Society, The Everglades Foundation, Inc. and Conservancy of Southwest Florida, Inc., DOAH Case No. 04-0880RP. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, M. Wade; Executive Director C. Wehle; District attorneys S. Wood, K. Burns, S. Echemendia, and C. Ross.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: <http://www.sfwmd.gov/agenda.html>.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a private closed door attorney-client session.

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

PLACE: Omni Champions Gate Resort, 1500 Masters Boulevard, Champions Gate, FL 33896 (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al. United States

District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, P. Brooks-Thomas, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, M. Wade; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, K. Burns, S. Glazier, J. Nutt, R. Panse, C. Ross, P. Cocotos.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: <http://www.sfwmd.gov/agenda.html>.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

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#### REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following Board of Directors meeting to which the public is invited.

DATE AND TIME: Wednesday, July 6, 2005, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

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#### DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** will hold a conference call with the signers of the Triad Resolution and other interested parties.

DATE AND TIME: Tuesday, July 12, 2005, 11:00 a.m.

PLACE: Call in number (850)410-0961, Suncom 210-0961

GENERAL MATTER TO BE CONSIDERED: To discuss matters related to the Florida Triad.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board**, Probable Cause Panel 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 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.

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The Florida **Electrical Contractors' Licensing Board** announces the following Board Meeting to which all interested persons are invited to attend.

DATE AND TIME: July 27, 2005, 4:00 p.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting (closed to the public).

DATE AND TIME: July 28, 2005, 8:30 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: Disciplinary Actions, General Business Meeting.

DATE AND TIME: July 29, 2005, 8:00 a.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

PLACE: The Embassy Suites Hotel, 555 North Westshore Boulevard, Tampa, FL 33609, (813)875-1555

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact, in writing: Electrical Contractors' Licensing Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he or she will need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board Office, (850)922-5012, at least five (5) calendar days prior to the meeting. If you are hearing or speech

impaired, please contact the Board Office using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-9771 (TDD).

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 20, 2005, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference. To connect, dial (850)414-1706, Suncom 994-1706

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Board of Landscape Architecture** announces the following meeting to which all persons are invited to attend.

DATE AND TIME: August 5, 2005, 9:00 a.m. Eastern Time

GENERAL MATTER TO BE CONSIDERED: General Board and Business Meeting.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Blvd., Orlando, FL 32827, (407)825-1234

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Professional Geologists** announces a General Business Meeting to which all interested parties are invited to attend.

General Business Meeting

DATES AND TIMES: July 27, 2005, 1:00 p.m.; July 28, 2005, 9:00 a.m.

PLACE: Casa Monica Hotel, 95 Cordova Street, St. Augustine, Florida 32259

GENERAL MATTER TO BE CONSIDERED: Conduct Board Business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Tuesday, July 19, 2005.

The **Board of Accountancy** announces the following public meeting of the Minority Scholarship Council to which all person are invited:

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

PLACE: Conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the applications for scholarships. This is a public meeting.

A copy of the agenda may be obtained by writing: Veloria Kelly or Trencia Jenkins, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607.

NOTE: If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting by contacting: Veloria Kelly or Trencia Jenkins, (352)333-2505. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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#### DEPARTMENT OF HEALTH

The **Department of Health, Board of Dentistry** will hold a Probable Cause Panel meeting where reconsiderations will be heard.

DATE AND TIME: July 22, 2005, 9:30 a.m.

PLACE: Department of Health, Building 4042, Room 301, 4052 Bald Cypress Way, Tallahassee, FL 32399-3258, (850)245-4474

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reconsideration cases.

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 may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Probable Cause Panel of the **Board of Massage Therapy** announces a meeting:

DATE AND TIME: Wednesday, July 27, 2005, 6:00 p.m. or soon thereafter

PLACE: Orlando Renaissance, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Samantha DiConcilio, Department of Health, Prosecution Services, 4052 Bald Cypress Way, #C65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at 4052 Bald Cypress Way, #C06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

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The Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited:

DATES AND TIMES: Thursday, July 28, 2005, 9:00 a.m. or shortly thereafter; Friday July 29, 2003, 9:00 a.m. or shortly thereafter

PLACE: Orlando Renaissance, 544 Forbes Place, Orlando, FL 32812, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, (850)488-0595.

You will be charged seventeen cents per page for the number of copies desired.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Medicine** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Thursday, June 30, 2005, 12:00 Noon

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, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing to 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**, Credentials Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, July 15, 2005, 8:00 a.m. or soon thereafter

PLACE: 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 Committee.

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 committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to 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.

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).

The Florida **Board of Medicine**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, August 4, 2005, 4:00 p.m.

PLACE: Hyatt Regency Jacksonville, 225 Coastline Drive, East, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, August 5-6, 2005, 8:00 a.m.

PLACE: Hyatt Regency Jacksonville, 225 Coastline Drive, East, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, August 5, 2005, immediately following the Board Meeting

PLACE: Hyatt Regency Jacksonville, 225 Coastline Drive, East, Jacksonville, FL 32202

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.

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The **Council on Physician Assistants** announces a meeting to which all persons are invited.

PLACE: Hilton Palm Beach Oceanfront Resort, 2842 S. Ocean Blvd., Palm Beach, Florida 33480, (561)586-6542

DATE AND TIME: Friday, July 15, 2005, 6:00 p.m. or soon thereafter

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

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The **Board of Nursing**, North Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: July 11, 2005, 5:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting.

If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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The **Board of Orthotists and Prosthetists** will hold a duly noticed Rules Workshop, to which all persons are invited to attend.

DATE AND TIME: Thursday, July 14, 2005, 2:00 p.m.

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B14, F.A.C.; specifically Rule 64B14-3.001, F.A.C.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Board of Orthotists and Prosthetists, Executive Director, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: [www.doh.state.fl.us/mqa/Orth&Pros/por\\_home.html](http://www.doh.state.fl.us/mqa/Orth&Pros/por_home.html).

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The **Board of Orthotists and Prosthetists** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, July 15, 2005, 9:00 a.m.

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Orthotists & Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: [www.doh.state.fl.us/mqa/Orth&Pros/por\\_home.html](http://www.doh.state.fl.us/mqa/Orth&Pros/por_home.html).

The **Department of Health, Board of Pharmacy**, Tripartite Continuing Education Committee announces a public meeting to which all persons are invited.

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

PLACE: Renaissance Orlando Hotel – Airport, 5445 Forbes Place, Orlando, FL 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss the Continuing Education process, Continuing Education applications for the approval of providers and courses and the rules governing the standards for approval of courses and providers.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he/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.

The **Department of Health, Board of Physical Therapy** announces a conference call of the board.

DATE AND TIME: July 8, 2005, 8:30 a.m. or soon thereafter

PLACE: The meet me number is (850)921-5230, toll free 1(888)816-1123

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Institutional Review Board announces a conference call of the board to which all interested persons are invited to participate.

DATE AND TIME: July 20, 2005, 1:30 p.m.

PLACE: 4052 Bald Cypress Way, Conference Room 305L, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact the IRB office, (850)245-3900, at least 48 hours prior to the meeting. If you are 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).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health**, Institutional Review Board announces a conference call of the board to which all interested persons are invited to participate.

DATE AND TIME: August 17, 2005, 1:30 p.m.

PLACE: 4052 Bald Cypress Way, Conference Room 305L, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Board.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact the IRB office, (850)245-3900, at least 48 hours prior to the meeting. If you are 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).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of conference call meetings of its Barriers and Support Services, Data Collections, Supportive Housing Development and Executive Committees, to which all persons are invited.

COMMITTEE: Barriers and Support Services

DATES AND TIMES: Tuesday, July 5, August 2 and September 6, 2005, 2:00 p.m. – 3:00 p.m., 1st Tuesday

PLACE: Conference Call (850)487-8783, Suncom 277-8783

Confirmation Number: 30I 0613

COMMITTEE: Data Collection

DATES AND TIMES: Thursday, July 7, August 4 and September 1, 2005, 11:00 a.m. – 12:00 Noon, 1st Thursday

PLACE: Conference Call (850)488-3676, Suncom 278-3676

Confirmation Number: 30L-0613

COMMITTEE: Planning/Executive

DATES AND TIMES: Monday, July 11, August 1 and September 12, 2005, 3:00 p.m. – 4:00 p.m., 1st Monday

PLACE: Conference Call (850)414-1706, Suncom 944-1706

Confirmation Number: 30C-0613/30C-0614

COMMITTEE: Supportive Housing

DATES AND TIMES: Thursday, July 28, August 25 and September 22, 2005, 2:00 p.m. – 3:00 p.m., 4th Thursday

PLACE: Conference Call (850)487-9454, Suncom 277-9454

Confirmation Number: 30J 0613

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Councils' Strategic Plan to reduce the number of persons who may be facing homelessness in Florida.

A copy of the agenda may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, e-mail: Tom\_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of this meeting.

The Florida **Substance Abuse and Mental Health Corporation**, created by Ch. 2003-279, Laws of Florida, announces an Ad Hoc Committee on Data meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 29, 2005, 10:30 a.m. – 3:30 p.m.

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Bldg 1, Secretary's Conference Room, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss progress being made in the submission of common data sets electronically by HMO's, Pre-Paid Plans, and DCF contractors. Also, the Committee would like to discuss further data integration between DCF and AHCA and the possibility of a joint data infrastructure budget recommendation to be developed by the Agencies.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in the 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, 1317 Winewood Blvd., Tallahassee, FL 32399-0700, (850)410-1575.

#### FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission** announces a public meeting of the ad hoc Spiny Lobster Advisory Board, to which all interested persons are invited:

DATES AND TIME: July 20-21, 2005, 9:00 a.m. – 5:00 p.m. each day

PLACE: Sombrero Resort and Lighthouse Mariana, Mile Marker 50, 19 Sombrero Boulevard, Marathon, Florida Keys

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to allow the ad hoc Spiny Lobster Advisory Board and staff of the Commission's Division of Marine Fisheries Management and the Fish and Wildlife Research Institute to identify and discuss pertinent issues concerning the spiny lobster fishery. The Board is composed of commercial lobster harvesters, recreational lobster fishers, a wholesale seafood dealer, and representatives of non-government organizations.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to

participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

**AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The Florida **Automobile Joint Underwriting Association** announces the following meetings to which all interested persons are invited to participate.

FAJUA Advisory Committee Meeting

DATE AND TIME: Wednesday, July 6, 2005, 10:00 a.m.

PLACE: HCAA Board Room, Tampa Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss progress of goals agreed upon by the FAJUA Board of Governors and any other matters that may come before the committee.

FAJUA Finance Committee Meeting

DATE AND TIME: Tuesday, July 19, 2005, 1:00 p.m.

PLACE: HCAA Board Room, Tampa Airport, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss matters relating to FAJUA Investment Guidelines; and any other matters that may come before the committee.

FAJUA Claim Review Committee Meeting

DATES AND TIME: Tuesday-Thursday, August 2-4, 2005, 9:00 a.m.

PLACE: York STB, 2277 Lee Road, Winter Park, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review Servicing Carrier performance in claim handling and any other matters that may come before the committee.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, e-mail: [lstoutamire@fajua.org](mailto:lstoutamire@fajua.org).

**PRIDE ENTERPRISES**

**PRIDE Enterprises**, BOD announces a special meeting to which all interested persons are welcome to attend.

DATE AND TIME: July 7, 2005, 1:00 p.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, FL

Website: [www.peol.com](http://www.peol.com)

**ADVOCACY CENTER**

The **Advocacy Center**, Inc., Florida’s Protection and Advocacy Programs will be holding their Quarterly Board of Directors meeting jointly with the Protection and Advocacy for

Individuals with Mental Illness Advisory Council (PAIMI Council).

DATES AND TIMES: (July 21-23, 2005) Thursday, July 21, 2005, 6:15 p.m. – PAIMI Advisory Council Meeting; Friday, July 22, 2005, 9:00 a.m. – Joint Quarterly Board Meeting

PLACE: Lido Beach Resort, 700 Benjamin Franklin Drive, Royal Palm & Cypress Room, Sarasota, Florida 34236

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly joint business meeting of the Board of Directors and the Protection and Advocacy for Individuals with Mental Illness Advisory Council (PAIMI Council).

For additional information, please contact: Sonia Rodriguez, (813)233-2920 or Joanne Burgess, (850)488-9071.

**JOHNNIE B. BYRD, SR. ALZHEIMER’S CENTER AND RESEARCH INSTITUTE**

The **Johnnie B. Byrd, Sr. Alzheimer’s Center and Research Institute** announces a public meeting of its Art Selection Committee to which all persons are invited.

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

PLACE: USF Contemporary Art Museum, Tampa, FL

Additional information may be obtained by contacting: Johnnie B. Byrd, Sr. Alzheimer’s Institute, (813)866-1600.

**BIWG – BLUE RIBBON TASK FORCE IMPLEMENTING WORKING GROUP**

The **BIWG – Blue Ribbon Task Force Implementing Working Group** announces a meeting to which all persons are invited:

DATE AND TIME: June 30, 2005, 9:00 a.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplande Way, 3rd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of BIWG is to implement recommendation for improvement of transition, employment and inclusion for Persons with Disabilities. This is a meeting to organize and prioritize recommendations.

Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements

**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, has issued an Order Dismissing Petition with Leave to Refile In Re: Petition for Declaratory Statement, Karen Headrick, Keys Property Management, Inc., 1800 Atlantic Condominium Association, Inc., Docket Number 2005011391.

A copy of the Order Dismissing Petition with Leave to Refile, Docket Number 2005011391, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that In Re: Petition for Declaratory Statement, Aloha Kai Association, Inc. and Aloha Kai Vacation Rentals, Inc., Docket Number 2005002615 was withdrawn.

A copy of the Order Closing File on the Petition for Declaratory Statement, Docket Number 2005002615, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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 a Declaratory Statement In Re: Petition for Declaratory Statement, The Lakes of Oakland Forest Condominium, Docket Number 2005011408.

The Division declared the association's declaration, which authorizes the acceleration of assessments in the event of default for a specific number of months irrespective of the budget year in which the claim of lien was placed, complies with the Section 718.112(2)(g), Florida Statutes (1984), which applies to this particular section.

A copy of the Declaratory Statement, Docket Number 2005011408, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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, Smuggler's Landing at Cortez Condominium Association, Inc., Docket Number 2005023579.

Whether the unit owners of Smuggler's Landing Condominium Association, Inc. may amend the declaration to change the percentage shares by which the unit owners share the common expenses and own the common surplus to a square footage method, a combination of percentage share and flat fee, or a combination of percentage share and square footage by less than a 100% vote under Section 718.110, Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2005023579, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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, Leonard Leopold, Petitioner, Waterview Condominium Association, Inc. of Aventura; Docket No. 2005022178.

Whether the Waterview Condominium Association, Inc. of Aventura board of directors may prohibit unit owners from speaking at an organizational meeting called for the purpose of selecting officers and whether the board could appoint directors to committees without noticing this as an agenda item in the meeting notice under Section 718.112(2)(c), Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2005022178, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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 a Declaratory Statement In Re: Petition for Declaratory Statement, Robert J. Dymowski, Petitioner, Southeaster, Inc.; Docket Number 2005013907.

Under Section 718.112(2)(c), F.S., the board may not pass a motion to call a special meeting immediately following the noticed board meeting to discuss unnoticed issues, and the action on those additional issues at the special meeting is not valid absent subsequent ratification.

A copy of the Declaratory Statement, Docket Number 2005013907, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that In Re: Petition for Declaratory Statement, Playa Del Mar Association, Inc., Docket Number 2005029638, was withdrawn.

A copy of the Order Closing File on the Petition for Declaratory Statement, Docket Number 2005029638, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

#### **FISH AND WILDLIFE CONSERVATION COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Wildlife Conservation Commission has issued a Declaratory Statement in response to the petition of Roy R. "Robin" Lewis III. The petition sought the agency's opinion as to the applicability of Sections 327.33(1),(2) and (3) and 253.05, F.S., as they apply to the Petitioner.

The statement, issued June 3, 2005, holds that certain conduct involving the operation of a vessel, if executed as described by the petitioner, cannot be said to constitute reckless or careless operation of a vessel, in violation of Section 327.33, F.S., or violates the federal Navigation Rules as adopted under section 327.33(3), F.S., even if that operation damage seagrasses or cause a "prop scar." The statement also holds that the Commission has the duty or authority to report damage to submerged state property, including seagrasses, to the Trustees of the Internal Improvement Trust Fund. Finally, the statement holds that authority or duty the Commission has the discretionary authority to enforce locally enacted ordinances regulating vessel operation, but no duty to do so.

A copy of the declaratory statement may be obtained by writing: Captain Alan S. Richard, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

#### **DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Insurance has issued an order disposing of the petition for declaratory statement filed by Clearwater Gas Company, on June 10, 2005. The following is a summary of the agency's disposition of the petition:

Question 5.A.: Petitioner seeks an interpretation of the Florida Fire Prevention Code, ("Code") NFPA 101, Chapter 13, Existing Assembly Occupancies, Section 13.7.2, Open Flame Devices and Pyrotechnics. Specifically, Petitioner requests clarification of whether the Section 13.7.2 language "in an assembly occupancy" is intended to apply to an outside deck adjoining a building, which meets the definition of "Outdoor Area" under NFPA 1, Uniform Fire Code.

Response to Question 5.A.: The question of whether the outside deck adjoining a building meets the definition of "Outdoor Area" under NFPA 1 is irrelevant because under the facts presented the gaslights are not to be located "in" any occupancy, as further explained in the response to Question 5.B., below.

Question 5.B.: If the answer to question #1 is yes, and an outdoor deck adjoining a building is defined as being "in an assembly occupancy" under 13.7.2, is it reasonable for a local fire marshal, as the "authority having jurisdiction," to deny an application for a permit to install appliances, when the engineering standards and specifications of the installation meet the installation parameters under the National Fuel Gas Code, Table 9.16.2.2, Clearances for Unlisted Outdoor Open-Flame Illuminating Appliances, to which NFPA 101, 9.1.1 refers for installation parameters and when NFPA 101-13.7.2, exception 6 allows such an installation?

Response to Question 5.B.: Regardless of whether the outside deck is considered an "assembly occupancy," the petitioner's plans and specifications indicate that the gaslights are to be placed outside of the outside deck; therefore, the provisions of subdivisions 13.7.2, the 2000 and Florida 2003 Editions, are not applicable.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, or you may fax your request to fax number (850)922-1235. An unsigned but exact copy of the order is also available on the Division of State Fire Marshal website which may be accessed at: <http://www.fldfs.com/SFM/sfmdeclaratorysummaries.htm>.



**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:**

Bowling Centers Association of Florida, Inc., Shore Lanes, Inc., Sanford Finklestein and Sarah Lynch vs. Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco; Case No.: 05-1882RP; Rule Nos.: 61A-7.006, 61A-7.007, 61A-7.008, 61A-7.009

D. Gregory Ruck vs. Florida Engineers Management Corporation; Case No.: 05-2033RX; Rule No.: 61G15-20.006(2)

Florida Hospital Association, Inc. vs. Department of Financial Services, Division of Workers' Compensation; Case No.: 05-1743RP; Case No.: 69L-7.501

Frank M. Bafford, Sr. vs. Florida Commission on Human Relations; Case No.: 05-2050RU

Dr. Paul Zimmerman, Dr. John W. Uribe, John Livoti, Jonathan D. Nitkin, Angela Daley, Helen Esterline and Edna Buchanan vs. Department of Financial Services, Office of Insurance Regulation; Case No.: 05-2091RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Amec Civil, LLC vs. Department of Transportation; Case No.: 04-3793RX; Rule No.: 14-22.003(2)(a)4.; Voluntarily Withdrawn

Ocean Properties, Ltd. vs. Public Service Commission and Florida Power and Light Company; Case No.: 04-2250RX; Rule No.: 25-6.109(4); Dismissed

Calder Race Course, Inc. vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 04-4463RP; Rule No.: 61D-6.008; Dismissed

Golden Rule Insurance Company vs. Department of Financial Services, Office of Insurance Regulation; Case No.: 05-0159RP; Rule No.: 69O-149.041; Invalid

AIU Insurance Company, American Home Assurance Company, American International South Insurance Company, et al vs. Department of Financial Services, Office of Insurance Regulation; Case No.: 04-1540RP; Rule No.: 69O-170.013(7); Invalid

Bonnie Siegel and Gayle Knight vs. Agency for Health Care Administration; Case No.: 05-0399RU; Invalid

**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**

Florida State University announces that construction management services will be required for the project listed below:

Project No.:	FS-296
Project and Location:	Academic Center Panama City Campus Florida State University Panama City, Florida

This project involves the construction of a new Academic Center, which will provide academic and academic support space for the campus. The facility will incorporate teaching, research and support services. The facility is expected to provide laboratory space to support the engineering programs as well as faculty offices and classrooms. Additionally, the facility will provide administrative offices for campus administration, information commons, a multi-purpose hall as well as a psychology clinic. The new facility is expected to be located along the North Bay next to the Larson M. Bland Conference Center. The facility is expected to meet the needs

promoted by recent program expansion and to promote cultural and social purposes as well as the economic well being of the community.

The estimated construction budget is \$16,300,000 with a total anticipated project budget of \$19,963,000.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at either the 50% or 100% Construction Document phase. The final determination of the exact timing of the GMP will be confirmed prior to entering into contract with the prospective Construction Manager. If the GMP is accepted, then 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 experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; and qualifications of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida State University's 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.

**Instructions:**

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which 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 \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained through the website at [www.fpc.fsu.edu](http://www.fpc.fsu.edu) or by contacting: Lynetta Mills, Facilities Design and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843, Fax (850)644-8351.

For further information on the project, contact: Jim Reynolds, Project Manager, at the address and phone listed above.

Submit six (6) bound copies of the required proposal data. Submittals must be received at the address listed above by 2:00 p.m., local time, on Thursday, July 28, 2005. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

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**NOTICE TO CONSTRUCTION MANAGERS**

Florida Gulf Coast University Board of Trustees, announces that Construction Management Services will be required for the project listed below:

Project No. BR-1042, Project and Location: Sugden Resort & Hospitality Management Classroom Building, Florida Gulf Coast University, Ft. Myers, Florida.

Currently, the Resort & Hospitality Management Program classrooms and offices are located in various buildings on the FGCU campus. Accordingly, this new building will provide appropriate classroom, office, golf and spa activity spaces to allow the curriculum to flourish and grow at one building location. The program for the building includes a ballroom, dining room and kitchen facility. The Resort & Hospitality Management Program will educate students for resort management; club management; golf management; resort timeshare management; spa management and hotel management.

In general, the building will contain approximately 40,000 square feet and will be three stories in height. The design of the building will be complimentary to other campus buildings, and yet it will have a distinct appearance of its own.

The estimated cost of construction is approximately \$6,000,000 and the total project budget is \$8,401,768.

The site has been conceptually permitted with both the Corps of Engineers and South Florida Water Management District. This project will have to modify an existing construction and operation permit issued by the South Florida Water Management District.

The contract for construction management services shall consist of two phases. Phase one of the contract is for pre-construction services for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 80% Construction Document phase. If the GMP is accepted, phase two, the construction phase, may be implemented. In phase two of the contract, the construction manager shall become the single point of responsibility for performance of the construction contract for the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection will be made on the basis of construction manager's qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability and qualification of the firm's personnel, staff and consultants.

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 Board of Regents "Construction Manager Qualifications Supplement". Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages should be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal information 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, F.S., a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any

supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565, (239)590-1500, Fax (239)590-1505

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565.

Submittals must be received in the Facilities Planning Office by 2:00 p.m. local time on July 25, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS  
FOR

Request for Qualifications (RFQ)  
Professional Services  
Asbestos Consulting Services  
on a Continuing Contract Basis

The Office of Facilities Planning & Programming (OFPP) announces that Asbestos Consulting services are required for a project entitled Asbestos Consulting Services on an Annual Contract Basis, DCPS Project No. M-81850 for Duval County Public Schools. The firm selected will be responsible for comprehensive asbestos consulting services generally including: 3-year AHERA Resurveys; 6-Month Surveillance Updates; demolition surveys, abatement design and associated air-monitoring; bulk sampling; database maintenance; and other miscellaneous asbestos related projects. The full scope of work is available in the Selection Booklet, Appendix G (Scope of Services).

Applications are to be sent to:

Duval County Public Schools  
Facilities Planning and Programming  
1701 Prudential Drive, 5th Floor  
Jacksonville, FL 32207-8182

PROJECT MANAGER: Bruce Ackerman  
PHONE NO.: (904)390-2279  
RESPONSE DUE DATE: RFQ's ARE DUE ON OR BEFORE July 19, 2005 AND WILL BE ACCEPTED UNTIL 4:30 P.M.

MBE GOALS: DCPS MBA Office Goal Requirements For This Contract Have Been Defined As "Encouragement" Please Contact DCPS MBA Office for Further Information If Required

Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Selection Booklets and/or picked up at 1701 Prudential Drive, 5th Floor, Facilities Design and Construction.

Applicants are advised that all plans, drawings and specifications for this project may be reused by the Owner as a prototype for future projects in the District.

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

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

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### **EXPRESSWAY AUTHORITIES**

#### **NOTICE TO PROFESSIONAL CONSULTANTS**

The Orlando-Orange County Expressway Authority requires the services of a consultant in connection with Construction Engineering and Inspection (CEI) services for SR 408 Widening from Conway Road to Oxalis Drive. Shortlist consideration will be given to only those firms who are qualified pursuant to law 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, Group 10.2, Major Bridge Construction Engineering Inspection, and Group 10.3, Construction Materials Inspection.

**DESCRIPTION:** The work consists of providing CEI services related to widening of S.R. 408 from Conway Road to Oxalis Drive.

The work consists of providing CEI services related to widening of S.R. 408 from Conway Road to Oxalis Drive. Project elements will include roadway and bridge widening from six to eight basic lanes, auxiliary lanes, and resurfacing of S.R. 408 from Conway Road to Oxalis Drive, a distance of approximately 1.8 miles. The ramps at the Semoran Boulevard (S.R. 436) interchange will also be modified and new interchange with Andes Avenue will be constructed for traffic to/from the west.

Toll plaza work will include construction of one mainline open road tolling split toll plaza, one 2-lane ramp plaza for eastbound exit to Andes Avenue and S.R. 436 and one 2-lane ramp plaza for the westbound exit to S.R. 436.

**LETTERS OF INTEREST SUBMITTAL REQUIREMENTS:** Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience – Details of specific experience for at least three (3) projects, similar to those described above that involve construction on limited access highways, completed by the consultant's Project Manager and other key project team members including the name of client contact person, telephone number, and physical address;
2. Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in CEI projects;
3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

**SELECTION/NEGOTIATIONS:** The Authority may shortlist up to five (5) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority's Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time requirements, consultant's projected workload, and consultant's use of Minority/Women Owned Businesses.

**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 provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

**MINORITY / WOMEN / DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION:** Minority / Women / Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award 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 this Non-Solicitation Provision.

**LETTER OF RESPONSE DEADLINE:**

July 15, 2005, 3:00 p.m., Orlando local time.

**AUTHORITY CONTACT PERSON:**

Ben Dreiling, P.E.

Director of Construction

**LETTER OF RESPONSE ADDRESS:**

Orlando-Orange County Expressway Authority

525 S. Magnolia Avenue

Orlando, FL 32801

Re: CEI Services for Project No. 253C

**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."

**CITIZENS PROPERTY INSURANCE CORPORATION**

Re: Agent Training and Certification Program

To Whom It May Concern:

Citizens Property Insurance Corporation (Citizens) is seeking the services of an instructional technology vendor to develop and implement a web-based, self-directed training and certification program for Citizens' approximately 7000 agents and their accompanying Customer Service Representatives (CSRs). The purpose of this program will be to facilitate compliance by agents and CSRs with Citizens' underwriting and electronic processing requirements.

This project is being sponsored and administered by the Agent Administration Department of Citizens with the goal of having this system fully operational by November 1, 2005.

If you are interested in being considered, please review the attached outline of the project, note the required information, and submit the appropriate documentation. The Citizens Agent Administration Department and I look forward to learning more about your firm and how it can meet Citizens' needs.

**REQUEST FOR INFORMATION**

**Overview of Project**

To write an insurance policy for Citizens, agents must first be appointed as a Citizens' agent. As a condition precedent to this appointment, agents will be required to take an online training course and achieve a passing score on an automatically administered online examination. Also, concurrent with the roll out of the program described in this document, Citizens will begin a program to register customer service representatives (CSRs) who work on Citizens' business for their agents. These CSRs will also have to take an online training course and achieve a passing score on an automatically administered online examination prior to being registered. If an agent or CSR fails the initial examination they will have a period of thirty days, during which they will remain un-appointed or un-registered with Citizens, in which they can review the course materials and re-take the online examination. Failure of the exam for a second time prohibits the re-taking of the exam or the appointment, or registration, of the agent or CSR for a period of one year. After that year has elapsed the agent or CSR shall be eligible for appointment or registration with Citizens.

Due to constantly evolving underwriting guidelines and procedures, agents and CSRs will be required to re-certify bi-annually by taking the online training course and achieving a passing score on the online examination prior to their renewal appointment or registration. If the agent or CSR fails this bi-annual examination they shall be automatically suspended for a period of thirty days during which they must re-take and pass the online examination. Upon achieving a passing score the suspension of the agent or CSR shall be lifted. Failure to pass the online examination within the thirty day period will result in the termination of that agent or CSR for a period of one year. At the end of this one year period the agent or CSR shall be eligible for appointment or registration with Citizens.

Agents or CSRs who are identified during the interim period as failing to comply with the appropriate guidelines or procedures may be required to take a remedial online training course and exam. Failure to comply with Citizens directive to take the remedial course and exam shall result in an immediate thirty day suspension during which time they must take and achieve a passing result on the required course and examination. The thirty day suspension shall remain in effect for the full thirty days regardless of when or if the exam is passed. Failure to pass the examination shall result in termination and removal of their eligibility to become appointed or registered with Citizens for a period of one year. If the agent or CSR initially complies with Citizens directive to take the applicable course and exam and fails the initial exam, that agent or CSR shall be suspended for a period of thirty days during which the agent or CSR must re-take and pass the online examination. Successful completion of the exam shall result in the suspension being lifted. If the agent or CSR fails to pass the second exam in the allotted

period of time the agent or CSR shall be terminated and will not be eligible for a Citizens appointment or registration for a period of one year.

If a major guideline or procedure change occurs, as defined by Citizens, a content specific online training course and examination may be required. Each agent and CSR will have to take the content specific online training course and pass any accompanying examination. Depending on the type and severity of procedural or guideline change, Citizens may only require the completion of the online training course without an accompanying examination. In this event, Citizens will only require proof that the agent or CSR has completed the online training course within the specified time period. If an examination is required, the agent or CSR will have to achieve a passing result on this examination. Failure to do so will result in immediate suspension for 30 days during which the agent or CSR may review course materials and re-take the online examination. Successful completion of the examination shall result in the suspension being lifted. If the agent or CSR fails to pass the second exam in the allotted period of time the agent or CSR shall be terminated and will not be eligible for a Citizens appointment or registration for a period of one year.

Any system developed to establish the above outlined program must be able to interact with Citizens' current Agent Appointment System (AAS), including recognizing whether an agent or CSR is eligible for appointment with Citizens. It must also be able to automatically effect the suspension of an agent or CSR for failure to pass an examination and then reinstate or terminate depending on the outcome of the second examination. All such activity must be recognized in a report that will identify affected agents to Citizens staff.

#### Required Information

A. Company Information – Submit a brief narrative on your firm's qualifications to serve as an instructional technology vendor for Citizens. Include (1-6) of the following issues and address them individually.

##### 1. Experience:

- Any previous experience developing web-based, self-directed training and certification programs. Experience in developing and administering secure online exams and reporting exam results is essential. References from other clients, descriptions of successfully completed projects, and work samples are encouraged.
- Any previous experience developing any training course, whether web based or not, or examination materials.
- Any previous experience developing a similar program to the one described above for a governmental or quasi-governmental entity.

2. Qualifications of Personnel – Provide resumes for the instructional technology professionals that would comprise the team assigned to Citizens' account and the additional staff that would provide support services to the team.
  3. Previous interaction with Citizens – Disclose whether you, or any affiliated parties, have an existing or past contract or relationship, whether direct or indirect, with Citizens.
  4. Standards Compliance/Certifications – Industry certifications of compliance with interoperability standards and technologies such as the following are encouraged.
    - Sharable Content Object Reference Model (SCORM)
    - Aviation Industry CBT Committee (AICC)
    - Advanced Distributed Learning (ADL) Initiative
    - Institute of Electronic and Electrical Engineers (IEEE) Learning Technology Standards Committee
    - IMS Global Learning Consortium
    - International Organization for Standardization (ISO) Standards for Information Technology, Learning, and Training
  5. Strategic partnerships – Descriptions of any strategic partnerships or alliances with other technology or educational organizations that might benefit this project are encouraged.
  6. Third party software – Descriptions of any relationships with other software providers that might benefit this project are encouraged.
- B. Project Proposal and Estimate – Provide a proposal that includes the following information:
1. Facilities – Citizens would like the vendor to provide service bureau facilities for hosting and supporting the training solution as a learning portal on the Web. Describe the options for help desk and technical support that will be provided to Citizens, including trouble ticket tracking/reporting and proposed Service Level Agreements (SLAs).
  2. Change Control Procedures – Please provide a description of the procedures you will employ to respond to course content changes upon demand.
  3. Third-party involvement – Describe any third-party software licenses, technical support agreements, or hardware acquisitions that Citizens would be required to undertake for this project. Citizens would prefer that all such items be consolidated with the vendor serving as the single point of contact for delivery, accountability and costs. Also, disclose any relationship with a third party that you would rely upon in the development or maintenance of this system.

4. Project management of content development and implementation – Provide a high-level plan for how your company will work with Citizens to develop and implement the course content, test questions, scoring mechanism, and recording of test results and certifications. Identify procedures and deliverables in the plan such as the following:
  - Statement of Work (SOW)
  - Project scope assessment
  - Definition of vendor team roles and responsibilities
  - Definition of Citizens team roles and responsibilities
  - Requirements matrix
  - Job task analysis
  - Joint Content Development (JCD) Sessions – Vendor representatives and Citizens Subject Matter Experts (SMEs)
  - Design Documents
  - Interface Design
  - Technical Design
  - Others
  - Storyboards
  - Scripts
  - Online examination questions and exercises
  - Passing score study
  - Status reports
  - Quality assurance reviews
  - Sign-offs
  - Internal User Acceptance Testing (with Citizens SMEs)
  - External User Acceptance Testing (with pilot group of agents and CSRs)
  - Implementation plan for deployment
  - Integration with Citizens existing software
  - The submission of any sample project deliverables and/or templates used by the vendor to manage previous successfully completed projects is encouraged.
5. Security-Provide a brief description of how the training solution will safeguard the security and confidentiality of learner information records. The solution must not allow any learner data, including test results, to be shared with any parties other than Citizens. A username and password should be required for access to the training solution. Please describe how a username and password will be implemented. Identify any technology that will be employed for security purposes such as:
  - Secure Socket Layer (SSL) technology
  - Data encryption of transmissions
6. Americans with Disabilities Act (Section 508) requirements – Provide a statement that any products developed for the training solution will be in a format that can be converted for use by individuals to meet the reasonable accommodation standards established by the Americans with Disabilities Act.
7. Proprietary information – Provide a statement that all course content and documents produced during the content development process will be Citizens proprietary information. All electronic and printed documents related to the course content development must be marked with the Citizens corporate logo and identified as Citizens proprietary information. Describe the facility Citizens will be able to use to retrieve course content from the training solution for disaster recovery purposes.
8. Minimum system requirements – Provide a statement that the training solution will support learners accessing the solution from workstations that meet the following minimum requirements.
  - MS Windows 2000 or XP
  - MS Internet Explorer 6.0 or Greater with MS Virtual Machine Installed
  - Pentium III 300 Mhz or Greater CPU
  - 800x600 SVGA 16-bit color monitor resolution
  - 128 MB of RAM
  - Broadband Internet Access, DSL, Cable Modem or Greater
  - Flash Player Plugin, Version 5 or greater
  - Internet Service Provider Account
  - Internet E-mail Address
  - Adobe Acrobat Reader 6.0
9. Estimated costs including the following information:
  - Price and timeline
  - Payment schedule
  - Resources

Relevant data for Citizens to assist in the preparation of the proposal is available on our website: [www.citizensfla.com](http://www.citizensfla.com). This includes the following information:

  1. The existing online tutorial for the Electronic Policy Administration System (ePAS) at [http://www.citizensfla.com/epas\\_tutorial/index.html](http://www.citizensfla.com/epas_tutorial/index.html).
  2. The Multi-Peril Underwriting Manuals at [http://www.citizensfla.com/agent\\_portal/manuals\\_forms.asp](http://www.citizensfla.com/agent_portal/manuals_forms.asp).
  3. The WIND Only Underwriting Manuals at [http://www.citizensfla.com/agent\\_portal/manuals\\_forms.asp](http://www.citizensfla.com/agent_portal/manuals_forms.asp).

Selection Process:

A review and evaluation of the responses to this letter and other information submitted will be the basis for the final selection. Outlined below is a schedule of the selection process to be followed by the Citizens Agent Administration Department:

  - Interested firms must prepare required information and submit their written responses via email to Matthew Nowels at: [matthew.nowels@citizensfla.com](mailto:matthew.nowels@citizensfla.com)
  - Questions may be asked via telephone and should be directed to Julia Mincher, (850)513-3852.
  - Written responses must be received by Citizens no later than 5:00 p.m. (EST) on July 15, 2005, to be eligible for consideration.

- The Citizens Agent Administration Department will review the submissions and notify the selected vendor. Citizens reserves the right to change any requirement at any time.

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**GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY**

**REQUEST FOR PROPOSALS  
FOR CONSOLIDATED COMMUNICATIONS ANTENNAE  
AT THE GAINESVILLE REGIONAL AIRPORT  
PROPOSAL NUMBER 05-005**

The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting sealed proposals for the purpose of obtaining Consolidated Communications Antennae at the Gainesville Regional Airport. The proposal documents and specifications will be available beginning June 20, 2005 at the Gainesville Regional Airport's Administration office, 3880 N. E. 39th Avenue, Suite A, Gainesville, FL 32609.

The term of the contract is for five (5) years with four (4) five (5) year renewal options.

All proposals submitted shall be effective for 90 days. Proposals must be signed by an authorized official, enclosed in a sealed envelope or package clearly marked "Proposal No. 05-005 – Consolidated Communications Antennae Proposal" and mailed or delivered to the Authority's Administrative Office, Gainesville Regional Airport, 3880 N. E. 39th Avenue, Suite A, Gainesville, FL 32609. Bids received after 4:00 p.m., Wednesday, July 27, 2005 will not be considered. The official clock is located in the Authority's Administrative Office. Only bids received by this time and date will be considered.

A non-mandatory pre-proposal conference will be held on Tuesday, July 12, 2005 at 3:00 p.m. at the Gainesville Regional Airport, Passenger Terminal, Restaurant Area, 3880 N. E. 39th Avenue, Gainesville, FL 32609.

GACRAA reserves the right to reject any or all proposals received in response to this Request for Proposals as determined to be in the best interest of the Airport.

For additional information, contact: Allan Penksa, (352)373-0249.

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**AREA AGENCY ON AGING OF PALM BEACH/  
TREASURE COAST**

**2006 OLDER AMERICANS ACT  
REQUEST FOR PROPOSAL (RFP)**

The Area Agency on Aging of Palm Beach/Treasure Coast, Inc. is requesting proposals for the provision of services authorized under the Older Americans Act, as amended in 2000, for Indian River, Martin, Okeechobee, St. Lucie and Palm Beach counties for the three year funding period beginning January 1, 2006.

Proposal format and instructions will be available on August 11, 2005 from the Area Agency on Aging, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409, (561)684-5885. Proposal format and instructions may be picked up in person or sent certified mail.

A Bidder's Conference to review the RFP instructions and contract award process will be held on August 31, 2005, 10:00 a.m. (EDT) at the Blake Library, 2351 S. E. Monterey Road, Stuart, FL 34996. Certified Women and Minority Business Enterprises are encouraged to participate in the Bidder's Conference.

Notice of Intent to Submit a Proposal must be received by 4:00 p.m. (EDT) on September 15, 2005 at the Area Agency on Aging, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409.

All written inquiries must be received by 4:00 p.m. (EDT) on September 15, 2005 at the Area Agency on Aging, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409, attention Bill Craig, Director of Contract Administration.

All proposals are due by 4:00 p.m. (EDT) on October 7, 2005 at the Area Agency on Aging, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409.

All bids will be opened at 4:01 p.m. (EDT) on October 7, 2005 at the Area Agency on Aging, 1764 North Congress Avenue, Suite 201, West Palm Beach, FL 33409.

The Area Agency on Aging reserves the right to reject any or all proposals or accept minor irregularities in the best interest of the Area Agency on Aging and the senior population.

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**FLORIDA DEVELOPMENTAL DISABILITIES  
COUNCIL**

**REQUEST FOR PROPOSALS (FDDC #2005-HC-3000)**

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to improve the delivery of services to the state's children and adults with developmental disabilities.

This is a one to three year project. The Council cannot guarantee funding for more than one year. The focus of this proposal is to implement a cost effective management model for high risk psychotropic medications profiles of individuals with developmental disabilities in community and institutional settings. The requirements for the three years are part of this RFP, however, we are requesting a proposal that only addresses the first year, but provides a description and budget for the other two years. Through the three years of this project we want to evaluate the individuals, provide case management to these individuals, identify improvements that could be made in the existing service system, analyze and compile data on the issue, educate consumer, families and providers and comprehensively address the medication management



problems experienced by individuals with developmental disabilities. This model will necessitate a Nurse Case Manager that will work cooperatively with the Agency for Persons with Disabilities, District Medical Case Manager to implement this model project. The provider will work with state agencies and others to insure no duplication of effort and the acquisition of data information to develop this project.

Individuals, not-for-profit and for-profit agencies may submit proposal in response to this RFP. The approximate amount of funds available for project awarded based on this RFP for the first year be up to \$150,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP will be available from the Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free 1(888)488-8633. The deadline for submitting letters of intent and written questions is 2:00 p.m. (EDT) on July 18, 2005. The deadline for submitting proposals is 2:00 p.m. (EDT) on August 19, 2005. Letters of Intent will only be accepted by fax, mail or hand delivery. Letters of Intent by e-mail will not be accepted.

**AUDITOR GENERAL**

**UPDATED NOTICE OF REQUEST FOR PROPOSAL**

**STATEMENT OF WORK:** In connection with the conduct of the audit of Citizens Property Insurance Corporation (CPIC), required pursuant to Section 26 of Ch. 2005-111, L.O.F., the Florida Auditor General is seeking to engage the services of a property insurance industry expert to assist the Auditor General (AG) in the identification of property insurer best practices in the area of claims handling.

The services required will also include the examination of the data, files, and documentation maintained by CPIC or its agents in relation to the claims paid in connection with named storm-related disasters of 2004.

**PROPOSALS:** Proposals must be submitted in accordance with the content set forth in the Auditor General’s Request for Proposal for Claims Handling Consulting Services dated June 16, 2005. Copies of this document are available from the contact person. The RFP is also available at the following World Wide Web address: <http://www.state.fl.us/audgen/pages/whatsnew.htm>.

**CONTACT PERSON:** Don Hancock, C.P.A., Audit Manager, Auditor General, Suite 276, Pepper Building, 111 W. Madison Street, Tallahassee, Florida 32399-1450, (850)487-9037, Fax (850)488-9137, e-mail: [donhancock@aud.state.fl.us](mailto:donhancock@aud.state.fl.us).

**DATES:** We suggest that all interested consultants submit by email a non-binding notice of intent to propose to the contact person by no later than 2:00 p.m. (EDT), on July 1, 2005. Receipt of such a notice will facilitate the Auditor General’s timely provision of final and official responses to all questions timely received. The closing date and time to receive proposals

is 2:00 p.m. (EDT), July 12, 2005. The contact person must receive the written proposal prior to the closing date and time. Proposals that for any reason are not so received will not be considered. The Auditor General reserves the right to reject any and all proposals. Unless all proposals are rejected, it is anticipated the contract will be awarded during July 2005.

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

DEPARTMENT OF STATE  
DIVISION OF HISTORICAL RESOURCES  
IN RE: Final Order No. HR 05-02  
Los Cayos LLC,  
Darrell A. Gusner and  
Burt D. Webber, Jr.  
Petitioners.

FINAL ORDER  
DENYING APPLICATION FOR HISTORIC  
SHIPWRECK EXPLORATION

The Division of Historical Resources, Florida Department of State (the “Division”), having jurisdiction over this matter, pursuant to the provisions of Chapter 267, Florida Statutes, and the rules promulgated there under, hereby enters its Final Order Denying Los Cayos, LLC, Darrell A. Gusner and Burt D. Webber, Jr.’s Application for Historic Shipwreck Exploration.

**FINDINGS OF FACT**

1. On January 28, 2005, the Division received Petitioner’s Application for Historic Shipwreck Exploration. The application was in proper form as required in Rule 1A-31, Florida Administrative Code and requested an area in the vicinity of Cape Romano bounded by the following coordinates:

- Point A: Lat 25 deg. 50.65 min. N; Lon 81 deg. 40.68 min. W
- Point B: Lat 25 deg. 52.00 min. N; Lon 81 deg. 40.15 min. W
- Point C: Lat 25 deg. 51.82 min. N; Lon 81 deg. 39.59 min. W
- Point D: Lat 25 deg. 50.46 min. N; Lon 81 deg. 40.25 min. W

2. On February 1, 2005, the Division received the Petitioner’s letter dated January 28, 2005, which, among other things, discusses field investigations conducted by the Petitioners within the area requested in the application for an exploration contract.

3. On February 2, 2005, the Division responded to the Petitioner’s January 28, 2005 letter which included advising Petitioner that archaeological field investigations on state-owned and state controlled lands are prohibited by Section 267.13(1)(a), Florida Statutes, without a permit from the Division.

4. On February 21, 2005, the Division mailed a Notice of Denial of Application (Notice of Denial) via US Mail, certified, to Petitioners explaining the reasons for denial as follows:

“...[T]he proposed activities represent an incompatible use of the sovereign submerged lands within the boundaries of the Rookery Bay National Estuarine Research Reserve and Rookery Bay Aquatic Preserve, and because of Mr. Gusner’s January 28, 2005 letter, which indicated Los Cayos, LLC had undertaken actions in violation of Rule 1A-31.0035, Florida Administrative Code, in that they began exploration in state-controlled lands without the benefit of a permit or agreement with the Division of Historical Resources of the Department of State.”

5. The Petitioner’s requested area is within the Rookery Bay National Estuarine Research Reserve and Rookery Bay Aquatic Preserve. The staff of the reserve and preserve expressed serious reservations regarding the Petitioner’s proposed exploration activities, as related to their management of natural and cultural resources, and the Division determined that the application represented an incompatible use of the sovereign submerged lands.

6. Correspondence from Mr. Darrell Arthur Gusner, received after receipt of the Petitioner’s application, on February 1, 2005, specifically stated the Petitioners conducted exploration activities on state sovereign submerged lands without authorization from the Division, demonstrating that the Petitioners lack the ability to conduct exploration and salvage activities within the statutory and administrative rule framework of the State of Florida.

7. The Division’s Order Dismissing Petition for Hearing with Leave to Amend, on April 19, 2005, as well as the Final Order Dismissing Los Cayos, LLC., Darrell A. Gusner and Burt D. Webber, Jr.’s Petition for Hearing (Final Order No. HR 05-02) issued on \_\_\_\_\_ June, 2005 are hereby incorporated by reference.

**CONCLUSIONS OF LAW**

8. As provided in Chapter 267, Florida Statutes, the “Florida Historical Resources Act (the “Act”), the Division is the agency having jurisdiction to administer and enforce the provisions of the Act.

9. Section 267.061(b), Florida Statutes, grants title to the Division for all treasure trove, artifacts, and such objects having intrinsic or historical and archaeological value which have been abandoned on state-owned lands or state-owned sovereignty submerged lands for the purposes of administration and protection. The Division is authorized to issue permits for exploration of historic shipwreck sites on sovereignty submerged lands, and is required to adopt rules for the issuance of such permits.

10. Chapter 1A-31, Florida Administrative Code, establishes procedures for the Division to review applications and determine whether to grant permission for exploration of historic shipwreck sites. In Rule 1A-31.0055, F.A.C., the Division is prohibited from entering into an exploration agreement unless it determines that the applicant is professionally qualified to conduct the exploratory activities and has provided sufficient evidence of its archaeological ability and skills. The rule sets forth the criteria on which the Division’s decision shall be based.

11. In reviewing applications and in determining whether to enter into exploration contracts, the Division considers restrictions of existing public uses that would be in conflict with exploration or salvage activities, based generally on the August 9, 1988 Incompatible Use of Natural Resource Lands Policy approved by the Board of Trustees of the Internal Improvement Trust Fund and specifically, any agency land management plans (in this case, the Rookery Bay National Estuarine Research Reserve Management Plan 2000-2005).

12. Based on the Findings of Fact and Conclusions of Law set forth above, the Division has determined that Los Cayos, LLC., Darrell A. Gusner and Burt D. Webber, Jr.’s Application for Historic Shipwreck Exploration must be denied.

**FINAL ORDER**

Based on the foregoing, the Division issues this Final Order denying Los Cayos, LLC, Darrell A. Gusner and Burt D. Webber, Jr.’s Application for Historic Shipwreck Exploration. DONE and ORDERED this \_\_\_\_\_ day of June 2005, in Tallahassee, Leon County, Florida.

\_\_\_\_\_  
Frederick P. Gaske

Director, Division of Historical Resources

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

This order constitutes final agency action. Judicial review of this proceeding may be instituted by filing a notice of appeal, with the filing fee prescribed by law in the District Court of Appeal, pursuant to Section 120.68, Florida Statutes, and a copy with the clerk of the Department of State. Such notice must be filed within thirty (30) calendar days of the date this order is filed in the official records of the Department of State as indicated in the Certificate of Clerk. Review proceedings shall be conducted in accordance with the Florida Rules of Appellate Procedure.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order was hand-delivered to the Agency Clerk, Department of State, R.A. Gray Bldg., 500 S. Bronough Street, Tallahassee, Florida 32399-0250 and that a true and correct copy of the foregoing final order was mailed on this \_\_\_\_\_ day

of June, 2005 by certified U.S. mail to Darrell Arthur Gusner, Los Cayos, LLC, 1241 Knollwood Drive, #3, Cambria, CA 93428.

D.H. Penton  
Assistant General Counsel  
Florida Department of State,  
Florida Bar No. 0540080  
500 S. Bronough St.  
Tallahassee, Florida 32399

IN RE: Administrative Proceeding No. 05-01  
Final Order No. HR 05-01  
Los Cayos LLC,  
Darrell A. Gusner and  
Burt D. Webber, Jr.  
Petitioners.

FINAL ORDER  
DISMISSING PETITION FOR HEARING

The Division of Historical Resources, Florida Department of State (the "Division"), having jurisdiction over this matter, pursuant to the provisions of Chapter 267, Florida Statutes, and the rules promulgated there under, hereby enters its Final Order Dismissing Petition for Hearing.

The Division's Final Order Denying Application for Historic Shipwreck Exploration (Final Order No. HR 05-02), is hereby incorporated by reference.

FINDINGS

The Statement of Facts set forth in the Order Dismissing Petition for Hearing with Leave to Amend issued by the Division on April 19, 2005, which remains uncontroverted, is hereby incorporated by reference and accepted by the Division as true and correct.

CONCLUSIONS OF LAW

1. As provided in Chapter 267, Florida Statutes, the "Florida Historical Resources Act (the "Act"), the Division is the agency having jurisdiction to administer and enforce the provisions of the Act.

2. Section 120.569(2)(c), Florida Statutes, provides that an agency shall dismiss any petition that does not comply with the uniform rules for requesting a hearing. This section states that "a petition or request for hearing shall include those items required by the uniform rules adopted pursuant to s. 120.54(5)(b)(4)...A petition shall be dismissed if it is not in substantial compliance with these requirements..." The dismissal shall at least once be without prejudice to amend the petition.

3. Rule 28-106.111, Florida Administrative Code, provides in part:

(2) Unless otherwise provided by law, persons seeking a hearing on an agency decision, which does or may determine their substantial interests shall file a petition for hearing with the agency within 21 days of receipt of written notice of the decision.

(4) Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days waives the right to request a hearing on such matters.

4. Rules 28-106.201 and 28-106.301, Florida Administrative Code, set forth the requisite matters to be included in a petition for hearing. In part, the Rules require that a Petition include the following:

A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action; and

A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

5. Based on the above Findings and Conclusions of Law, the Division concludes, as a matter of law, that Petitioner's request for hearing does not comply with the requirements of Rules 28-106.201 and 28-106.301, Florida Administrative Code, and must be dismissed.

FINAL ORDER

Based on the foregoing, the Division issues this Final Order dismissing Los Cayos, LLC, Darrell A. Gusner and Burt D. Webber, Jr.'s petition for hearing.

DONE and ORDERED this \_\_\_\_\_ day of June 2005, in Tallahassee, Leon County, Florida.

Frederick P. Gaske  
Director, Division of Historical Resources

NOTICE OF RIGHT TO JUDICIAL REVIEW

This order constitutes final agency action. Judicial review of this proceeding may be instituted by filing a notice of appeal, with the filing fee prescribed by law in the District Court of Appeal, pursuant to Section 120.68, Florida Statutes, and a copy with the clerk of the Department of State. Such notice must be filed within thirty (30) calendar days of the date this order is filed in the official records of the Department of State as indicated in the Certificate of Clerk. Review proceedings shall be conducted in accordance with the Florida Rules of Appellate Procedure.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order was hand-delivered to the Agency Clerk, Department of State, R. A. Gray Bldg., 500 S. Bronough Street, Tallahassee, Florida 32399-0250 and that a true and correct copy of the foregoing final order was mailed on this

\_\_\_\_ day of June, 2005 by certified U.S. mail to Darrell Arthur Gusner, Los Cayos, LLC, 1241 Knollwood Drive, #3, Cambria, CA 93428.

D.H. Penton  
Assistant General Counsel  
Florida Department of State,  
Florida Bar No. 0540080  
500 S. Bronough St.  
Tallahassee, Florida 32399

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-805-008  
DATE RECEIVED: June 8, 2005  
DEVELOPMENT NAME: Timber Oaks  
DEVELOPER/AGENT: Kalogianis Land Development Group/Avid Engineering  
DEVELOPMENT TYPE: 28-24.023, F.A.C.  
LOCAL GOVERNMENT: Sunrise City

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-405-006  
DATE RECEIVED: April 26, 2005  
DEVELOPMENT NAME: Cobblestone Village at Palm Coast  
DEVELOPER/AGENT: Development Options, Inc./ C. Allen Watts  
DEVELOPMENT TYPE: 28-24.031, F.A.C.  
LOCAL GOVERNMENT: Flagler County  
FILE NO.: BLIVR-605-003  
DATE RECEIVED: May 4, 2005  
DEVELOPMENT NAME: Embry-Riddle Aeronautical University  
DEVELOPER/AGENT: Embry-Riddle Aeronautical/ Robert A. Merrell, III  
DEVELOPMENT TYPE: 28-24.024, F.A.C.  
LOCAL GOVERNMENT: Daytona Beach

DCA Final Order No.: DCA05-OR-111  
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
CITY OF KEY WEST ORDINANCE  
NO. 05-11

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2004), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The City of Key West is a designated area of critical state concern.
- 2. On May 19, 2005, the Department received for review City of Key West Ordinance No. 05-11, which was adopted by the City of Key West City Commission on May 18, 2005 ("Ord. 05-11"). Ord. 05-11 provides for an exception to the City of Key West's prohibition against unlicensed transient rentals. The exception applies to properties located in the Truman Annex and allows them to be used for transient rentals up to 26 weeks per year.
- 3. Ord. 05-11 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2004).
- 5. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2004) and Rule 28-36.001, Fla. Admin. Code.
- 6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 05-09 are land development regulations.
- 7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Fla. Admin. Code.

8. Ord. 05-11 promotes and furthers the following Principles in subsection 28-36.003(1), F.A.C.:

(a) To strengthen local government capabilities for managing land use and development.

9. Ord. 05-11 is not inconsistent with the remaining Principles. Ord. 05-11 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 05-11 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

James L. Quinn, State Planning Administrator  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 15th day of June, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:

The Honorable Jimmy Weekley
Mayor, City of Key West
P. O. Box 1409
Key West, Florida 33041

Cheryl Smith
Clerk to the City Commission
P. O. Box 1409
Key West, Florida 33041

Robert Tischenkel
City Attorney
P. O. Box 1409
Key West, FL 33041

DCA Final Order No.: DCA05-OR-110
STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT
REGULATIONS ADOPTED BY
MONROE COUNTY ORDINANCE NO. 049A-2003

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On April 21, 2005, the Department received for review Monroe County Ordinance No. 049A-2003 which was adopted by the Monroe County Board of County Commissioners on December 17, 2003 ("Ord. 049A-2003"). Through oversight by Monroe County, the Department did not receive Ordinance No. 049A-2003 in a timely manner.

3. The purpose of Ord. 049A-2003 is to allow a setback of 10 feet for lawfully established principal uses along lawfully altered shorelines, provided they are on lots of less than 4,000 square feet. The Ordinance also requires that the combined area of all structures, principle and accessory, does not occupy more than sixty percent of the upland area of the required 20 foot setback; that the proposed development protects the character and over water views of the community; that shoreline vegetation is protected; and that open space ratios are maintained.

4. Ord. 049A-2003 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004).

6. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2004) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 049A-2003 are land development regulations.

8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

9. Ord. 049A-2003 promotes and furthers the following Principle:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

10. Ord. 049A-2003 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 049A-2003 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

James L. Quinn,  
State Planning Administrator  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO

CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 15th day of June, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Murray Nelson  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

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**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Rush Airfield, a private airport, in Gilchrist County, at Latitude 29° 41' 32.4" and Longitude 82° 43' 45", to be owned and operated by Mr. Virgil Rush, 3319 SE 40th Way, Trenton, FL 32693.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, e-mail: aviation.fdot@dot.state.fl.us, Website: <http://www.dot.state.fl.us/aviaiton>.

**ADMINISTRATIVE HEARING RIGHTS:** Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

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**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Subaru of America, Inc., Southeast Region, intends to allow the establishment of Wood Motors West, Inc., d/b/a Gateway Subaru, as a dealership for the sale of Subaru vehicles, at 8425 U.S. Highway 19, Port Richey (Pasco County), Florida 34668, on or after August 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Wood Motors West, Inc., d/b/a Gateway Subaru, are dealer operator: Thomas R. Wood, President, 8425 U.S. Highway 19, Port Richey, Florida 34668; principal investor(s): Thomas R. Wood, 8425 U.S. Highway 19, Port Richey, Florida 34668.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ikuo S. Donselaar, Regional Market Development Manager, Subaru of America, Inc., Southeast Region, 220 The Bluffs, Austell, Georgia 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, American IronHorse Motorcycle Company intends to allow the establishment of Roadhouse, LLC, d/b/a Hollywood Choppers, as a dealership for the sale of Texas Choppers, LSC, Legend, Slammer, Tejas, and Outlaw motorcycles, at 5749 Seminole Way, Hollywood (Broward County), Florida 33314, on or after June 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Roadhouse, LLC, d/b/a Hollywood Choppers are dealer operator: Bruce O. Rossmeyer, 421 Oceanshore Boulevard, Ormond Beach, Florida 32176; principal investor(s): Michael Veach, 7121 Northwest 77th Place, Parkland Florida 33067.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Gary Sipes, Regional Sales Director, American IronHorse Motorcycle Company, 4600 Blue Mound Road, Fort Worth, Texas 76106.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Subaru of America, Inc./Southeast Region, intends to allow the establishment of Wood Motors West, Inc., d/b/a Gateway Subaru, as a dealership for the sale of Subaru vehicles, at 8425 U.S. Highway 19, Port Richey (Pasco County), Florida 34668, on or after August 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Wood Motors West, Inc., d/b/a Gateway Subaru are dealer operator: Thomas R. Wood, President, 8425 U.S. Highway 19, Port Richey, Florida 34668; principal investor(s): Thomas R. Wood, 8425 U.S. Highway 19, Port Richey, Florida 34668.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ikuo S. Donselaar, Regional Market Development Manager, Subaru of America, Inc./Southeast Region, 220 The Bluffs, Atlanta, Georgia 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

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**LAND AND WATER ADJUDICATORY COMMISSION****NOTICE OF RECEIPT OF PETITION  
ARBORWOOD COMMUNITY DEVELOPMENT  
DISTRICT**

On April 4, 2005, the Florida Land and Water Adjudicatory Commission (the "Commission") received a Petition to adopt an amendment to rule Chapter 42RR-1, F.A.C., to amend the boundary of the Arborwood Community Development District (the "District") pursuant to Chapter 190, F.S. Petitioner asserts a copy of the Petition was filed with the City of Fort Myers and Lee County in compliance with Section 190.046, F.S. The Commission will follow the requirements of Chapter 190, F.S., and Chapter 42-1, F.A.C., in ruling on this Petition.

**SUMMARY OF CONTENTS OF PETITION:** The Petition was filed by the Arborwood Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 12.28 acres. This same 12.28 acres was contracted out of the boundary of the Gateway Services Community Development District in April, 2005. The District currently covers approximately 2,466.85 acres of land and after expansion the District will encompass approximately 2,479.13 acres. A portion of the expansion property is owned by Lee County. While Petitioner is not required to obtain consent from Lee County prior to filing the Petition for expansion, the Petition contains evidence of disclosure to Lee County and the County's acknowledgement of the Petition. Governmental entities are excluded from the definition of landowner set forth in Section 190.003(13), F.S. A portion of the expansion property is owned by Worthington Holdings Southwest, LLC. Petitioner has obtained the consent of Worthington Holdings Southwest, LLC, to the expansion of the boundary of the District. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition for expansion by the District Board of Supervisors constitutes consent of the landowners. No services or facilities are currently provided to the expansion parcel; however, services and facilities to be provided by the District for lands within the expansion parcel are included in the District's adopted Improvement Plan.

**SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COSTS:** In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, F.S. The complete text of the SERC is contained at Exhibit "12" to the Petition. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the state, the City of Fort Myers, Lee County, Florida, the District and the landowners within the District's amended boundary. The SERC estimates the type of individuals likely to be affected by the amended rule as landowners within the District's amended boundary. The SERC estimates that rule amendment

implementation and enforcement costs to the above-described entities will be minimal, are concurrently budgeted or not burdensome, and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no effect on state and local revenues from the proposed amendment of the rule. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC indicates that if the Petition to amend the District is approved there is nothing peculiar about the District's financing that requires additional infrastructure over and above what would normally be needed. These costs are not in addition to normal development costs. The SERC further provides the decision to locate within the District is completely voluntary and potential residents are given full disclosure of the existence of the District and the level of anticipated assessments. Finally, the SERC concludes that the expansion of the District's boundary will have no impact on small businesses, that Lee County is not a "small" county as defined by Section 120.52, F.S., nor is the City of Fort Myers a "small" city under Section 120.52, F.S. The SERC analysis is based on a straightforward application of economic theory and no written proposal, statement adopting an alternative or statement of the reasons for rejecting an alternative has been submitted.

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

**DATE AND TIME:** Wednesday, July 13, 2005, 10:00 a.m.

**PLACE:** Lee County Old Courthouse, East Room, 2120 Main Street, Fort Myers, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Jonathan T. Johnson or Chasity H. O'Steen, (850)222-7500, at least five (5) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

**COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING:** Jonathan T. Johnson or Chasity H. O'Steen, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Health Care Administration has received an emergency service exemption application from South Bay Hospital, located at 4016 Sun City Center Blvd. 674, Sun City Center, Florida 33573, pursuant to Section 395.1041(3), F.S., and Rule 59A-3.255, F.A.C. The emergency service for which the exemption is requested is: partial exemption regarding General Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, (850)414-2717, e-mail: Pat Underwood, Hospital and Outpatient Services Unit, [underwop@ahca.myflorida.com](mailto:underwop@ahca.myflorida.com).

CERTIFICATE OF NEED  
EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Collier                      District: 8  
ID # 0400027      Decision: A      Issue Date: 6/13/2005  
Facility/Project: The Willough at Naples  
Applicant: Willough Health Care, Inc.  
Project Description: Add 24 adult inpatient psychiatric beds  
Proposed Project Cost: \$55,000

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Effective July 1, 2005, the proposed rates for Medicaid inpatient hospitals will be rates resulting from the current methodology used to calculate per diems rates including the following appropriations from the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 184, 190, 191, 221, 222 and Senate Bill 838, Section 4, 2005-06 Florida Legislature.

1. Effective July 1, 2005, Special Medicaid Payments will be made on a quarterly basis to statutory teaching hospitals, family practice teaching hospitals, hospitals providing primary care to low-income individuals, hospitals operating as designated or provisional trauma centers, and rural hospitals. Statutory teaching hospitals that received a special Medicaid payment in State Fiscal Year 2003-04 shall be paid interim payments of \$12,203,921 distributed in the same proportion as the State Fiscal Year 2003-04 special Medicaid payments to statutory teaching hospitals. Family practice teaching hospitals shall be paid interim payments of \$2,330,882 to be distributed equally among the hospitals. Hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in state Fiscal Year 2003-04 shall be paid interim payments of \$12,203,921 distributed in the same

proportion as the Primary Care DSH payments for State Fiscal Year 2003-04. Hospitals designated as provisional trauma centers shall be paid interim payments of \$12,375,000. Of this amount \$5,355,000 shall be distributed equally among hospitals that are a Level I trauma center; \$4,500,000 shall be distributed equally among hospitals that are either a Level II or Pediatric trauma center; \$2,520,000 shall be distributed equally among the hospitals that are both a Level II and Pediatric trauma center. Rural hospitals participating in the Rural Hospital DSH program shall be paid interim payments of \$8,383,500 distributed in the same proportion as the DSH payments.

2. Effective July 1, 2005, Special Medicaid Payments will be made on a quarterly basis to hospitals that serve as a safety net in providing emergency, specialized pediatric trauma services and inpatient care to low-income individuals. Interim payments will be made in the following manner: \$46,121,019 shall be paid to University Medical Center – Shands; \$18,914,451 shall be paid to Tampa General Hospital; \$9,072,075 shall be paid to Mt. Sinai Medical Center; \$6,637,413 shall be paid to All Children’s Hospital; \$5,400,229 shall be paid to Miami Children’s Hospital; \$5,560,262 shall be paid to Orlando Regional Medical Center; \$7,703,253 shall be paid to Shands Teaching Hospital; \$3,322,365 shall be paid to Jackson Memorial Hospital; \$1,200,000 shall be paid to Lee Memorial Hospital/CMS; \$450,000 shall be paid to Baptist Hospital of Pensacola; \$55,072 shall be paid to Florida Hospital; \$54,402 shall be paid to Tallahassee Memorial Hospital; \$52,835 shall be paid to St. Joseph’s Hospital; \$291,706 shall be paid to St. Mary’s Hospital; \$330,366 shall be paid to Broward General Medical Center; \$215,975 shall be paid to Bayfront Medical Center and \$466,977 shall be paid to Sacred Heart Hospital; \$250,000 shall be paid to Naples Community Hospital.

3. Effective July 1, 2005, Special Medicaid Payments will be made on a quarterly basis to hospitals providing poison control programs. Total payments of \$3,183,014 will be made to qualifying hospitals. AHCA shall work in collaboration with the Florida Department of Health to determine which hospitals will receive these payments.

4. Effective July 1, 2005, interim Special Medicaid Payments up to \$7,297,495 will be made on a quarterly basis to hospitals to enhance primary care services to underserved areas of the state. AHCA shall work in collaboration with the Florida Department of Health to determine which hospitals will receive these payments.

5. Effective July 1, 2005, Special Medicaid Payments in the interim amount of \$517,513,720 will be made on a quarterly basis to hospitals providing enhanced services to low-income individuals through agreements with local county or other governmental entities. The amount of the Special

Medicaid Payment to each hospital is proportional to the amount of the intergovernmental transfer received from the local county or governmental entity.

6. Effective July 1, 2005, Special Medicaid Payments in the interim amount of \$2,000,000 will be made on a quarterly basis to specialty pediatric facilities. The hospital must be licensed as a children's specialty hospital and its combined Medicaid managed care and fee-for-service days as a percentage to total inpatient days equals or exceeds thirty 30 percent. The Agency shall use the 2003 Financial Hospital Uniform Reporting System (FHURS) data to determine the combined Medicaid managed care and fee-for-service days. The total special Medicaid payments made shall be distributed equally to the qualifying hospitals.

7. Effective July 1, 2005, inpatient reimbursement ceilings will be eliminated for hospitals whose sum of charity care and Medicaid days, as a percentage of adjusted patient days, equals or exceeds 11 percent. The Agency will use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the Agency does not have the prescribed three years of audited DSH data for a hospital, the Agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available. Effective July 1, 2005 through June 30, 2006 these hospitals will receive an interim amount equal to 50 percent of the benefit of being exempt from the application of these ceilings, except any public hospital that meets the 11 percent threshold using the average of the 1999, 2000 and 2001 audited DSH data will receive an interim amount equal to 92 percent of the benefit of being exempt from the application of these ceilings. If the prescribed three years of audited DSH data is not available for the public hospital, the Agency shall use the average of the 1999, 2000, and 2001 audited DSH data that is available for the public hospital. Any hospital that met the 11 percent threshold in the State Fiscal Year 2004-2005 and was also exempt from the inpatient reimbursement ceilings shall remain exempt from the inpatient reimbursement ceilings for State Fiscal Year 2005-2006 subject to the payment limitations imposed in this paragraph.

8. Effective July 1, 2005, the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2 shall be eliminated. Effective July 1, 2005 through June 30, 2006 these hospitals will receive an interim amount equal to 50 percent of the benefit of being excluded from the application of an inpatient ceiling.

9. Effective July 1, 2005, the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers shall be eliminated. This provision shall apply to all hospitals that are a designated or provisional trauma center on July 1, 2005 and any hospitals that become a designated or provisional trauma center during State Fiscal Year 2005-2006. Effective July 1, 2005 through

June 30, 2006 these hospitals will receive an interim amount equal to 92 percent of the benefit of being exempt from the application of these ceilings.

The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

10. Effective July 1, 2005, inpatient reimbursement ceilings shall be eliminated for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. Effective July 1, 2005 through June 30, 2006 these hospitals will receive an interim amount equal to 92 percent of the benefit of being excluded from the application of an inpatient ceiling.

11. Interim payments regarding the elimination of reimbursement ceilings shall be increased up to 100% of the benefit of being exempt from the application of these ceilings should the hospital inpatient upper payment limit change to support such an increase. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as teaching, Community Health Education program Hospitals, specialty, Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation, trauma centers where their Medicaid days as a percentage to total hospital days equals or exceeds 7.3 percent, hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II Neonatal Intensive Care Units located in Trauma Services Area 2. The restoration of the inpatient rates is contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in inpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction.

12. Effective July 1, 2005, the agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling, county

ceiling target rate or rate for fixed costs to achieve a recurring reduction of \$100,537,618 from inflationary and other price level increases.

13. For funds appropriated for public disproportionate share payments for state fiscal years beginning July 1, 2004 and later, the TAAPH (total amount available for public hospitals) shall be reduced by \$6,365,257 before computing the DSHP (disproportionate share hospital payment) for each public hospital. The \$6,365,257 shall be distributed equally between the public hospitals that are also designated statutory teaching hospitals. In computing the above amounts for public hospitals and hospitals that qualify under Section VI.A.2 of the Title XIX Inpatient Hospital Reimbursement Plan, the average of the 1998, 1999, and 2000 audited disproportionate share data will be used to determine each hospital's Medicaid days and charity care for the 2004-2005 state fiscal year and the average of the 1999, 2000, and 2001 audited disproportionate share data to determine the Medicaid days and charity care for the 2005-2006 state fiscal year.

If the Agency does not have the prescribed 3 years of audited disproportionate share data as noted above for a hospital, the agency shall use the average of the years of the audited disproportionate share data as noted in the paragraph above that is available.

14. Effective July 1, 2005, for the 2005-2006 state fiscal year only, the DSHP (disproportionate share hospital payment) for the public nonstate hospitals shall be computed using a weighted average of the disproportionate share payments for the 2004-2005 state fiscal year which uses an average of the 1998, 1999, and 2000 audited disproportionate share data and the disproportionate share payments for the 2005-2006 state fiscal year as computed using the formula above and using the average of the 1999, 2000, and 2001 audited disproportionate share data. The final DSHP (disproportionate share hospital payment) for the public nonstate hospitals shall be computed as an average using the calculated payments for the 2005-2006 state fiscal year weighted at 65 percent and the disproportionate share payments for the 2004-2005 state fiscal year weighted at 35 percent.

15. The 2005-06 Disproportionate Share appropriations are as follows:

Regular DSH	\$200,666,508
Mental Health	\$60,998,692
Rural	\$12,743,294
Specialty	\$2,444,444

16. The definition of charity care or uncompensated charity care has been updated to include "other than restricted or unrestricted revenues provided to a hospital by local governments or tax districts regardless of the method of payment" to be in accordance with Section 409.911, F.S.

17. In accordance with Section 409.9062 F.S., lung transplant services for Medicaid recipients, Medicaid will reimburse approved lung transplant facilities a global fee for providing lung transplant services to Medicaid recipients.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for Medicaid inpatient hospitals will be rates resulting from the revised methodology used to calculate per diems including the amounts appropriated in the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 184, 190, 221, 222 and Senate Bill 838, Section 4, 2005-06 Florida Legislature, and Senate Bill 838, Section 4.

**JUSTIFICATION:** The justification for the proposed state plan amendment is the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 184, 190, 191, 221, 222 and Senate Bill 838, Section 4.

The Agency is proposing the above rates and changes in reimbursement, effective July 1, 2005. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than July 22, 2005.

Please contact the person listed above for a copy of the Plan when available.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for outpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for outpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

1. Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. Effective July 1, 2005 through June 30, 2006, these hospitals that qualify under this provision will receive an interim amount equal to 50 percent of the benefit of being exempt from the application of these ceilings, except any public hospital that meets the 11 percent threshold using an average of the 1999, 2000 & 2001 audited DSH data that is available shall not receive a reduction in the amount of their payments as a result of eliminating the outpatient reimbursement ceilings. The agency shall use the

average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available. Any hospital that met the 11 percent threshold in State Fiscal Year 2004-2005 and was also exempt from the outpatient reimbursement ceilings shall remain exempt from the outpatient reimbursement ceilings for State Fiscal Year 2005-2006, subject to the payment limitations imposed in this paragraph.

2. Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2. Effective July 1, 2005 through June 30, 2006, these hospitals will receive an interim amount equal to 50 percent of the benefit of being excluded from the application of an inpatient ceiling.

3. Effective July 1, 2005, the outpatient reimbursement ceilings shall be eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2005 or become a designated or provisional trauma center during State Fiscal Year 2005-2006. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

4. Interim payments regarding the elimination of reimbursement ceilings shall be increased up to 100% of the benefit of being exempt from the application of these ceilings should the hospital inpatient upper payment limit change to support such an increase. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II Neonatal Intensive Care Units located in Trauma Services Area 2. The restoration of the inpatient rates is contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in inpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction.

5. Effective July 1, 2005 the Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling or county ceiling target rate to achieve a recurring reduction of \$16,796,807 from inflationary and other price level increases.

6. Updates to the outpatient hospital revenue center codes. PROPOSED RATES: Effective July 1, 2005, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the current methodology used to calculate per diems including appropriations from the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 194.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid Outpatient Hospitals will be rates resulting from the current methodology used to calculate per diems including the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206.

JUSTIFICATION: The justification for the proposed rate change is based on the legislative direction provided in 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 194.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2005. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than July 22, 2005.

Please contact the person listed above for a copy of the Plan when available.

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The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for nursing home facilities participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for nursing home facilities, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Long-Term Care Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology effective July 1, 2005.

1. Effective July 1, 2005, the Agency will modify the reimbursement methodology for nursing home rates in the Title XIX Long-Term Care Reimbursement Plan in order to implement a recurring methodology that may include, but is not limited to, the inflation factor, provider target, class ceiling, target rate class ceiling, new provider target, Medicaid Adjustment Rate, or any component of the Fair Rental Value System or property ceiling to result in a reduction in the reimbursement methodology for all components other than the direct patient care component. For the direct care component, the agency may reduce the class ceilings to help achieve the reduction. The recurring methodology will remove \$132,096,857 from inflationary and other price level increases.
2. Effective July 1, 2005, in accordance with House Bill 1267, Section 2, and 633.022, F.S.:
  - 4.(a) Notwithstanding any provision of law to the contrary, each nursing home licensed under part II of chapter 400 shall be protected by an approved, supervised automatic sprinkler system in accordance with section 9 of the National Fire Protection Association, Inc., Life Safety Code, in accordance with the following schedule: Each hazardous area of each nursing home shall be protected by an approved, supervised automatic sprinkler system by no later than December 31, 2008. Each entire nursing home shall be protected by an approved, supervised automatic sprinkler system by no later than December 31, 2010.
  - (b) The division may grant up to two 1-year extensions of the time limits for compliance in subparagraph (a)2. if the division determines that the nursing home has been prevented from complying for reasons beyond its control.
  - (c) The division is authorized to adopt any rule necessary for the implementation and enforcement of this subsection. The division shall enforce this subsection in accordance with the provisions of this chapter, and any nursing home licensed under part II of chapter 400 that is in violation of this subsection may be subject to administrative sanctions by the division pursuant to this chapter.
  - (d) Adjustments shall be made to the provider Medicaid rate to allow reimbursement over a 5-year period for Medicaid's portion of the costs incurred to meet the requirements of this subsection. Funding for this adjustment shall come from existing nursing home appropriations.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid nursing facilities will be rates resulting from the revised methodology used to calculate per diems in the Long-Term Care Reimbursement Plan in accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 219 and House Bill 1267, Section 2.

JUSTIFICATION: The justification for the proposed rate change is the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 219 and House Bill 1267, Section 2, 633.022, F.S.

The Agency is proposing the above changes effective July 1, 2005. Providers, beneficiaries and their representatives, and other concerned state residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such changes. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than July 22, 2005.

Please contact the person listed above to request a copy when they are available.

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The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for ICFs not publicly owned and not publicly operated, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated Reimbursement Plan (the Plan) to incorporate changes to the reimbursement methodology in accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 218.

PROPOSED RATES: Effective July 1, 2005, the proposed rates for Medicaid ICFs not publicly owned and not publicly operated will be rates resulting from the revised methodology used to calculate per diem rates:

Effective July 1, 2005, the Agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Developmentally Disabled Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling, county ceiling target rate or rate for fixed costs to achieve the cost savings.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for ICFs not publicly owned and not publicly operated will be rates resulting from the revised methodology used to calculate reimbursement rates in accordance with the 2005-06 General Appropriations Act, House Bill 2600, Specific Appropriation 218.

**JUSTIFICATION:** The justification for the proposed rate change is the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 218.

Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Please provide written comments no later than July 22, 2005. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308.

Copies of the Proposed reimbursement plan incorporating the above changes may be obtained by contacting the contact person listed above when available.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**DEPARTMENT OF HEALTH**

NOTICE OF THE AVAILABILITY  
OF THE 2005-2006 TRAUMA CENTER  
LETTER OF INTENT PACKAGE

NAME OF AGENCY: Department of Health (DH)

PACKAGE TITLE: Florida Trauma Center Letter of Intent Package

PURPOSE AND EFFECT: DH is mandated by Section 395.4025(2)(a), F.S., to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a trauma center.

ELIGIBILITY: Florida licensed acute care hospitals are eligible to apply.

AUTHORITY: Section 395.4025(2)(a), F.S.

In accordance with Section 395.4025(14), F.S., only hospitals located in trauma service areas where there is no existing trauma center may apply

TO OBTAIN A PACKAGE: You may request a Letter of Intent package by telephone, fax, or mail, or in person.

Telephone: (850)245-4440 or Suncom 205-4440.

Fax: (850)488-2512.

Mail request to, or pick up in person at: Florida Department of Health, Division of Emergency Operations, Office of Trauma, 4052 Bald Cypress Way, Bin #C18 Tallahassee, FL 32399-1738.

DEADLINE: Letters of Intent must be postmarked between September 1, 2005, and midnight, October 1, 2002.

CONTACTS: Bernadette Behmke or Susan McDevitt, (850)245-4440 or Suncom 205-4440.

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On June 10, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Reynaldo Perez, D.C., license number CH 4158. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 8, 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 George A. Gant, M.D., license number ME 8359. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 10, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Bradford McGuire, R.N., license number RN 2746822. This Emergency Suspension predicated upon the Secretary's findings of an immediate and serious danger to the public<sup>3</sup> health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 9, 2005, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Richard B. Edison, M.D., license number ME 44240. This Emergency Restriction predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The

Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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## **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

### **CHALLENGE GRANTS**

Pursuant to Section 420.622, Florida Statutes, the Department of Children and Family Services through the State Office on Homelessness, hereby solicits applications for Challenge Grants to lead agencies for homeless assistance continuums of care designated by the State Office on Homelessness. A lead agency may be a local homeless coalition, municipal or county government, or other public agency, or a private not for profit corporation. Such grants may be up to \$150,000 per lead agency.

To qualify for the grant, a lead agency must develop and implement a local homeless assistance continuum of care plan for its designated catchment area.

Preference will be given to those lead agencies that have demonstrated the ability of their continuum of care to provide quality services to homeless persons and the ability to leverage federal homeless assistance under the Stewart B. McKinney Act and private funding for the provision of services to homeless persons. Preference will also be given to lead agencies in catchment areas with the greatest need for the provision of housing and services to the homeless, relative to the population of the catchment area.

Lead agencies wishing to apply for such Challenge grants may request an application package from:

Office on Homelessness  
1317 Winewood Boulevard  
Tallahassee, FL 32399-0700  
(850)922-4691

The deadline for submission of applications to the Office on Homelessness shall be 5:00 p.m., EDT, on August 17, 2005.

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**HOMELESS HOUSING ASSISTANCE GRANTS**

Pursuant to Section 420.622, Florida Statutes, the Department of Children and Families, through the State Office on Homelessness, hereby solicits applications for homeless housing assistance grants to lead agencies for homeless assistance continuums of care designated by the State Office on Homelessness. A lead agency may be a local homeless coalition, municipal, or county government, or other public agency, or a private not-for-profit corporation. Such grants may be up to \$750,000 per project, with no more than two grants awarded annually in any given continuum of care catchment area.

To qualify for the grant, a lead agency must develop and implement a local homeless assistance continuum of care plan for its designated catchment area.

Preference will be given to those lead agencies that build or rehabilitate the greatest number of units and who leverage additional private and public funds, particularly federal funds designated for construction and rehabilitation of transitional, or permanent housing for homeless persons. Preference will also be given to lead agencies in catchment areas with the greatest need for the provision of housing to the homeless, relative to the population of the catchment area.

Lead agencies wishing to apply for such homeless housing assistance grants may request an application package from:

Office on Homelessness  
1317 Winewood Boulevard  
Tallahassee, FL 32399-0700  
Phone: (850)922-4691

The deadline for submission of applications to the Office on Homelessness shall be 5:00 p.m. on August 31, 2005.

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**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.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN June 6, 2005  
 and June 10, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

5E-14.106	6/10/05	6/30/05	31/10	31/20
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**Division of Consumer Services**

5J-12.002	6/7/05	6/27/05	31/17	
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**DEPARTMENT OF EDUCATION**

**University of South Florida**

6C4-10.114	6/6/05	6/26/05	Newspaper	
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**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Community Planning**

9J-11.004	6/10/05	6/30/05	31/14	
9J-11.006	6/10/05	6/30/05	31/14	
9J-11.009	6/10/05	6/30/05	31/14	
9J-11.010	6/10/05	6/30/05	31/14	
9J-11.011	6/10/05	6/30/05	31/14	
9J-11.015	6/10/05	6/30/05	31/14	
9J-11.020	6/10/05	6/30/05	31/14	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

12A-1.005	6/8/05	6/28/05	31/6	
12A-1.097	6/8/05	6/28/05	31/6	31/14
12A-16.008	6/8/05	6/28/05	31/6	
12A-17.005	6/8/05	6/28/05	31/6	
12A-19.020	6/8/05	6/28/05	31/6	
12A-19.100	6/8/05	6/28/05	31/6	

**Miscellaneous Tax**

12B-4.003	6/8/05	6/28/05	31/6	
12B-7.031	6/8/05	6/28/05	31/6	
12B-8.003	6/8/05	6/28/05	31/6	31/14
12B-11.001	6/8/05	6/28/05	31/6	
12B-11.0011	6/8/05	6/28/05	31/6	
12B-11.002	6/8/05	6/28/05	31/6	
12B-11.005	6/8/05	6/28/05	31/6	
12B-12.0031	6/8/05	6/28/05	31/6	

**Corporate, Estate and Intangible Tax**

12C-1.051	6/8/05	6/28/05	31/6	
12C-2.0115	6/8/05	6/28/05	31/6	

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-4.051	6/10/05	6/30/05	31/17	
40D-4.091	6/10/05	6/30/05	31/17	
40D-4.302	6/10/05	6/30/05	31/17	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid Program Office**

59G-4.060	6/8/05	6/28/05	31/10	31/15
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**DEPARTMENT OF MANAGEMENT SERVICES  
State Technology Office**

60DD-8.001	6/6/05	6/26/05	30/51	31/8
60DD-8.002	6/6/05	6/26/05	30/51	31/8
60DD-8.003	6/6/05	6/26/05	30/51	31/8
60DD-8.004	6/6/05	6/26/05	30/51	31/8
60DD-8.005	6/6/05	6/26/05	30/51	31/8
60DD-8.006	6/6/05	6/26/05	30/51	31/8

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

**Division of Pari-Mutuel Wagering**

61D-8.003	6/9/05	6/29/05	31/10	
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**Board of Funeral Directors and Embalmers**

61G8-30.001	6/9/05	6/29/05	30/50	31/19
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**Board of Accountancy**

61H1-33.0032	6/10/05	6/30/05	31/5	31/20
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Florida Real Estate Commission**

61J2-25.001	6/9/05	6/29/05	31/17	
61J2-25.002	6/9/05	6/29/05	31/17	
61J2-25.003	6/9/05	6/29/05	31/17	
61J2-25.004	6/9/05	6/29/05	31/17	
61J2-25.005	6/9/05	6/29/05	31/17	
61J2-25.006	6/9/05	6/29/05	31/17	
61J2-25.007	6/9/05	6/29/05	31/17	

**DEPARTMENT OF HEALTH**

**Board of Nursing**

64B9-15.008	6/6/05	6/26/05	30/52	
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**DEPARTMENT OF CHILDREN AND FAMILY  
SERVICES**

**Family Safety and Preservation Program**

65C-22.002	6/10/05	6/30/05	31/17	
65C-22.003	6/10/05	6/30/05	31/17	

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

69A-64.005	6/10/05	6/30/05	31/18	
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