

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
RULE CHAPTER NO.: 14-15

RULE TITLE: Safety and Security Oversight Program
Standards Manual for Fixed
Guideway Transportation Systems
RULE NO.: 14-15.016

PURPOSE AND EFFECT: This new rule incorporates by
reference a new manual, entitled, Safety and Security
Oversight Program Standards Manual for Fixed Guideway
Transportation Systems. Upon adoption of this new rule, Rule
Chapter 14-55, Fixed Guideway Transportation Systems
Safety Criteria, will be repealed in its entirety.

SUBJECT AREA TO BE ADDRESSED: The Safety and
Security Oversight Program Standards Manual for Fixed
Guideway Transportation Systems, _____ edition, is being
incorporated by reference within this rule. Upon adoption as a
rule, Rule Chapter 14-55, Fixed Guideway Transportation
Systems Safety Criteria, will be repealed.

SPECIFIC AUTHORITY: 341.061 FS.

LAW IMPLEMENTED: 341.041, 341.061 FS.

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

TIME AND DATE: 9:30 a.m. – 4:00 p.m., July 19, 2005

PLACE: Department of Transportation, District 7, Executive
Conference Room, 11203 N. Mckinley Drive, Tampa, Florida
33612, (813)975-6077

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE DEVELOPMENT IS: James C. Myers,
Clerk of Agency Proceedings, Florida Department of
Transportation, Office of the General Counsel, 605 Suwannee
Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE
DEVELOPMENT IS:

14-15.016 Safety and Security Oversight Program
Standards Manual for Fixed Guideway Transportation
Systems.

The Safety and Security Oversight Program Standards Manual
for Fixed Guideway Transportation Systems, _____
edition, is hereby incorporated by this rule and made a part of
the rules of the Department of Transportation. Copies of this
Department manual and any amendments thereto are available
from the Department of Transportation, Public Transit Office,
605 Suwannee Street, Mail Station 12, Tallahassee, Florida
32399-0450, or on line at www._____.

Specific Authority 341.061 FS. Law Implemented 341.041, 341.061 FS.
History—New _____.

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

Table with 2 columns: RULE TITLES and RULE NOS.
Application for Certificate 25-24.511
Application for Approval of Sale, Assignment or Transfer of Certificate 25-24.512
Application for Certificate 25-24.567
Application for Approval of Sale, Assignment or Transfer of Certificate 25-24.569
Application for Certificate 25-24.720
Application for Approval of Sale, Assignment or Transfer of Certificate 25-24.730
Application for Certificate 25-24.810
Application for Approval of Sale, Assignment or Transfer of Certificate 25-24.815

PURPOSE AND EFFECT: To increase the fees charged for
processing applications for new and transferred certificates to
provide pay telephone service, shared tenant service,
alternative access vendor service, and competitive local
exchange service; and to allow the transfer of a certificate from
one pay telephone service company to another.

SUBJECT AREA TO BE ADDRESSED: Certificate
application fees and transfer.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.123, 364.32, 364.33, 364.335,
364.337, 364.3375, 364.339, 364.345 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., Wednesday, July 20, 2005

PLACE: Betty Easley Conference Center, Room 148, 4075
Esplanade Way, Tallahassee, Florida

THE WORKSHOP REQUEST MUST BE SUBMITTED IN
WRITING TO: Christiana T. Moore, Office of the General
Counsel, Florida Public Service Commission, 2540 Shumard
Oak Blvd., Tallahassee, FL 32399-0850.

Any person requiring some accommodation at this workshop
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 workshop. Any
person who is hearing or speech impaired should contact the
Florida Public Service Commission by using the Florida Relay
Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets and Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6584, e-mail: rkennedy@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.511 Application for Certificate.

(1) No change.

(2) An applicant shall submit an application on Form PSC/CMP 32 (~~xx/xx 02/99~~), entitled "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida," which is incorporated into this rule by reference and may be obtained from the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 ~~\$100.00~~ must accompany the filing of all applications.

(3) through (4) No change.

~~(5) Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled.~~

Specific Authority 350.127(2) FS. Law Implemented 350.123, 364.32, 364.33, 364.335, 364.337, 364.345 FS. History--New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, _____.

25-24.512 Application for Approval of Sale, Assignment or Transfer of Certificate ~~Improper Use of a Certificate~~.

(1) Certificates ~~No certificate~~ of public convenience and necessity authorizing pay telephone service shall not be sold, assigned or transferred by the holder without prior Commission approval.

(2) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 32 (xx/xx), entitled "Application Form for Certificate to Provide Pay Telephone Service Within the State of Florida". The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany the filing of all applications to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(3) An original and two copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(4) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(5) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History--New 1-5-87, Amended 5-15-89, _____.

25-24.567 Application for Certificate.

(1) An applicant desiring to provide shared tenant service shall submit an application on Commission Form PSC/CMP 37 (~~xx/xx 7/97~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx 7/97~~), entitled "Application Form For Authority To Provide Shared Tenant Service Within the State of Florida," may be obtained by contacting the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 ~~\$100.00~~ must accompany the filing of all applications.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.339, 364.345 FS. History--New 1-28-91, Amended 5-8-91, 11-20-91, 7-29-97, _____.

25-24.569 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A company desiring to obtain a certificate by sale, assignment or transfer from the holder thereof shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 37 (~~xx/xx 7/97~~), which is incorporated into this rule by reference. Form PSC/CMP 37 (~~xx/xx 7/97~~) is entitled "Application Form for Authority to Provide Shared Tenant Service Within the State of Florida." The application form may be obtained by contacting the Commission's Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 FS. History--New 1-28-91, Amended 11-20-91, 7-29-97, _____.

25-24.720 Application for Certificate.

(1) An applicant seeking to provide Alternative Access Vendor service shall submit an application on Commission Form PSC/CMP 43 (~~xx/xx 1/95~~), entitled "Application Form for Authority to Provide Alternative Access Vendor Service within the State of Florida," which is incorporated into this rule by reference. The form may be obtained from the Division of

Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that a certificate will be granted.

(2) An original and two ~~12~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.33, 364.335, 364.337, 364.345 FS. History–New 1-8-95, Amended.

25-24.730 Application for Approval of Sale, Assignment, or Transfer of Certificate.

(1) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMP 43 (~~xx/xx 1/95~~) (entitled “Application Form for Authority To Provide Alternative Access Vendor Service within the State of Florida”). The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and two ~~12~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) through (4) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History–New 1-8-95, Amended.

25-24.810 Application for Certificate.

(1) An applicant for a certificate shall submit an application on Form PSC/CMP 8 (~~xx/xx 11/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx 11/95~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida”, may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of \$400.00 ~~\$250.00~~ must accompany the filing of each application.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

Specific Authority 350.127(2) FS. Law Implemented 364.335 FS. History–New 12-27-95, Amended.

25-24.815 Application for Approval of Sale, Assignment or Transfer of Certificate.

(1) A person obtaining a certificate by sale, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Form PSC/CMP 8 (~~xx/xx 11/95~~), which is incorporated into this rule by reference. Form

PSC/CMP 8 (~~xx/xx 11/95~~), entitled “Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida”, may be obtained by contacting the Commission’s Division of Competitive Markets and Enforcement. A non-refundable application fee of \$400.00 ~~\$250.00~~ must accompany the filing of each application.

(2) An original and two ~~six~~ copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) An application for sale, ~~an~~ assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

(5) In the case of sale, ~~an~~ assignment or transfer where the assignor and assignee or transferor or transferee are all currently certificated by the Commission and there are no pending actions against them, a sale, ~~an~~ assignment or transfer shall be considered effective upon filing. Any party protesting the sale, assignment or transfer shall be required to prove why the sale, assignment or transfer is not in the public interest.

Specific Authority 350.127(2) FS. Law Implemented 364.335, 364.345(2) FS. History–New 12-27-95, Amended.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Definitions	40E-41.421
Southwest Florida Basin	40E-41.423
Implementation	40E-41.433
Application of Part V	40E-41.443
Conditions for Issuance of Environmental Resource Permits in the Southwest Florida Basin	40E-41.463

PURPOSE AND EFFECT: To establish supplemental water quality criteria for Environmental Resource Permits in the Southwest Florida Basin by providing a menu approach for selecting source controls and Best Management Practices to enhance water quality.

SUBJECT AREA TO BE ADDRESSED: Supplemental water quality criteria for Environmental Resource Permits in the Southwest Florida Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 p.m., July 27, 2005

PLACE: South Florida Water Management District, Lower West Coast Regional Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901

TIME AND DATE: 2:00 p.m. – 4:00 p.m., July 27, 2005

PLACE: South Florida Water Management District, Big Cypress Basin Administration Office, Mary Ellen Hawkins Building, 6089 Janes Lane, Naples, FL 34109

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, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Damon Meiers, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876 (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, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-41.421 Definitions.

When used in this Part:

(1) “Best Management Practices (BMPs)” means structural and non-structural facilities or practices intended to reduce pollution either through source control or treatment of stormwater.

(2) “Primary Detention/Retention Treatment System or Component” means that portion or component of the surface water management system providing the volumetric requirements of Section 5.2.1(a) of the Basis of Review For Environmental Resource Permit Applications Within The South Florida Water Management District.

(3) “Post Construction Pollution Prevention Plan” means a document that provides details of controls and practices to be implemented after construction is completed to reduce or eliminate the generation and accumulation of potential stormwater runoff contaminants at or near their source. The Post Construction Pollution Prevention Plan shall include plans for surface water management system operation and maintenance, nutrient and pesticide management, solid waste management, and/or animal/livestock waste storage and disposal if applicable. The Plan shall require maintenance, operation and annual inspection of the surface water management system.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New _____.

40E-41.423 Southwest Florida Basin.

The Southwest Florida Basin boundary is shown in Figure V-1.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New _____.

40E-41.433 Implementation.

(1) The rules contained in this part will be applied to all projects within the Southwest Florida Basin which do not have complete applications, as evidenced by a letter of completeness under paragraph 40E-1.603(1)(a), F.A.C., on the effective date of the rule. An application which is submitted and complete prior to the effective date of this rule shall be reviewed under the rules in existence prior to the effective date of this rule unless the applicant elects to have such activities reviewed under this rule.

(2) Activities approved in a conceptual, general, or individual permit which were permitted prior to the effective date of this rule, or exempt from regulation, shall be exempt from this rule. This exemption shall be for the plans, terms, and conditions approved in the permit and shall be valid for the term of such permit. This exemption shall also apply to any modification of the plans, terms and conditions of the permit, including new activities which are consistent with a conceptual approval. However, this exemption shall not apply to a modification that would extend the permitted time limit for construction beyond 2 additional years or to any modification which is reasonably expected to lead to substantially different water resource impacts, unless that modification would lessen the impact to water resources.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New _____.

40E-41.443 Application of Part V.

All projects located within the Southwest Florida Basin which require permits pursuant to Rule 40E-4.041, F.A.C. shall be constructed, altered, operated, maintained and abandoned in accordance with the criteria specified in Rules 40E-4.301, 40E-4.302, and 40E-40.302, F.A.C., as applicable, (Environmental Resource Permits Conditions for Issuance) and Rule 40E-41.463, F.A.C. (Conditions for Issuance of Environmental Resource Permits in the Southwest Florida Basin).

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History–New _____.

40E-41.463 Conditions for Issuance of Environmental Resource Permits in the Southwest Florida Basin.

(1) A Post Construction Pollution Prevention Plan shall be submitted as part of the permit application. If a property owners' association or other entity will be formed that is responsible for operating and maintaining the surface water management system, the Post Construction Pollution Prevention Plan shall be incorporated into the entities' Articles of Incorporation, Declaration of Protective Covenants or Deed Restrictions.

(2) Records of maintenance, operation and inspection required pursuant to the Post Construction Pollution Prevention Plan shall be kept by the permittee and shall be made available for inspection and copying to the District staff upon request to determine compliance with the Post Construction Pollution Prevention Plan and District rules.

(3) The criteria below shall apply to all projects within the Southwest Florida Basin that are forty (40) acres or more in size or propose impacts to five (5) acres or more of wetlands; except that the criteria below shall not apply to agricultural, public roadway or airport projects.

(a) An additional fifty (50) percent retention/detention water quality treatment is required over that required in Section 5.2.1(a) of the Basis of Review for Environmental Resource Permits within the South Florida Water Management District.

(b) Dry detention water quality treatment systems shall not be used as the primary detention/retention component of the water management system. Dry detention water quality treatment components shall only be incorporated as pretreatment components upstream of the primary detention/retention components of a surface water management system.

(c) Wet detention areas shall provide an average hydraulic residence time of at least fourteen (14) days during the wet season (June – October). The maximum detention area depth allowed in calculations to demonstrate compliance with the average hydraulic residence time is twelve (12) feet from the control elevation. The actual depth may be greater than twelve (12) feet to a maximum of twenty (20) feet if it can be demonstrated that the additional depth will not cause water quality degradation of the water discharging from the wet detention area.

(d) Wet detention areas shall include planted littoral zones covering a minimum of XXXX (XX) percent of the wet detention areas measured at the control elevation. The depth of the littoral zone must be from one (1) foot above to three (3) feet below the control water elevation and have a slope no steeper than 4:1 (horizontal:vertical). The littoral zone must be planted at a minimum density of two (2) feet on-centers. Location of the plantings, species to be planted and a maintenance plan shall be submitted as part of the application.

(e) The site and the surface water management system design shall include: a minimum of two (2) BMPs from Group A of Table V-1; and a minimum of two (2) BMPs from Group B of Table V-1; and a minimum of one (1) BMP from Group C of Table V-1. The District will consider alternative BMPs which are not listed in Table V-1, provided that the application includes: descriptions and construction plans for the proposed BMPs; information demonstrating the effectiveness of the proposed BMPs; calculations that demonstrate that no impacts to flood protection will occur; and operation and maintenance plans for the proposed BMPs.

(f) If the activities proposed will produce livestock or equestrian waste, the Post Construction Pollution Prevention Plan must provide for the management, storage and disposal of such wastes primarily through the use of waste containment which retains solids and liquids and transports excess waste off-site. Restrictions on the type and number of animals allowed may also be included in the Post Construction Pollution Prevention Plan.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416 FS. History—New _____.

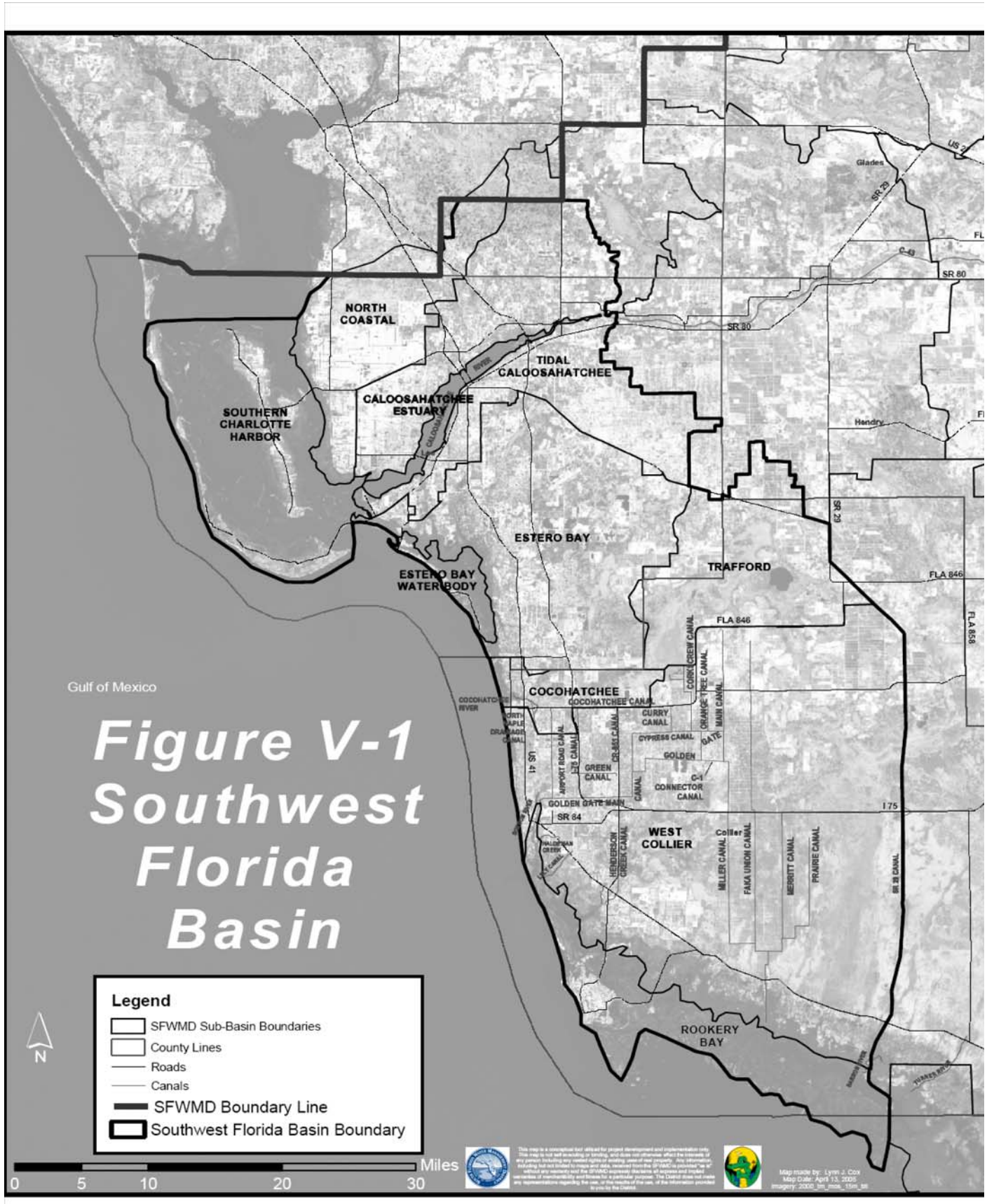
TABLE V-1
Southwest Florida Basin Best Management Practices (BMPs)

<u>BMP</u>	<u>Description</u>
<u>Group A – Site Design Source Controls and BMPs</u>	
<u>1. Reduced Turf Coverage</u>	<p>For projects with less than seventy-five percent (75%) impervious area within the project area, less wet detention areas or wetland and upland conservation areas established in a conservation easement, the following BMPs may be utilized:</p> <p>a. Projects with turf coverage of less than or equal to fifty percent (50%) of the pervious area of the developed portion of the project (excluding wetland and upland conservation areas) shall receive credit for one (1) BMP.</p> <p>b. Projects with turf coverage of less than or equal to a total of thirty percent (30%) of the pervious area of the developed portion of the project (excluding wetland and upland conservation areas) shall receive credit for two (2) BMPs.</p>
<u>2. Native Landscape plantings</u>	<p>a. Projects with non-turf plantings consisting of at least fifty percent (50%) native species, of which fifty percent (50%) must be drought tolerant, shall receive credit for one (1) BMP. Native species are defined in Nelson, Gil. <i>Florida’s Best Native Landscape Plants: 200 Readily Available Species for Homeowners and Professionals</i>, University Press of Florida, 2003</p> <p>b. Projects with non-turf plantings consisting of at least seventy-five percent (75%) native species, of which seventy-five percent (75%) must be drought tolerant, shall receive credit for two (2) BMPs.</p>
<u>3. Stormwater Recycling</u>	<p>Projects which incorporate systems for storing stormwater runoff to be used for irrigation or other reuse shall receive credit for one (1) BMP. Reuse systems must be designed with surface water management systems that ensure no impacts to flood protection or water quality treatment. An operating entity meeting the requirements of Section 9.1, Basis of Review for Environmental Resource Permits within the South Florida Water Management District dated _____, must be designated.</p>
<u>4. Rooftop Runoff</u>	<p>Building rooftop runoff which will be managed using one or more of the following shall receive credit for one (1) BMP:</p> <p>a. Bioretention: building and home rooftop runoff must be discharged onto shallow landscaped depressions designed to capture the first 0.5 inches of roof runoff, which are planted with native vegetation, and backfilled with soil-rock aggregate (bioretention cell). An analysis is required of the pervious area’s ability to infiltrate roof runoff and accept roof runoff from the design storm event without erosive impacts.</p> <p>b. Vegetated Roof Cover (for non-residential buildings): for engineered roofing systems that allow for the propagation of rooftop vegetation while protecting the integrity of the underlying roof, the minimum coverage of the roof area must be sixty percent (60%). A maintenance and monitoring plan shall also be submitted.</p>
<u>5. Cisterns</u>	<p>Building and home rooftops which direct fifty percent (50%) of their runoff into cisterns for storage and reuse shall receive credit for one (1) BMP.</p>
<u>6. Pervious Pavement</u>	<p>Projects which incorporate and maintain pervious or porous material on parking lots, driveways, or other applicable areas shall receive credit for one (1) BMP. The projects must include a minimum of thirty percent (30%) of non-roadway vehicle impervious area. Details of pervious pavement area foundation design, construction methods and a post construction maintenance plan shall be submitted with the permit application.</p>

<p>7. Detention/Retention Pond Side Slope Buffers</p>	<p>Projects which incorporate planted non-turf side slopes leading to stormwater detention/retention ponds located above normal water control elevation designed to prevent direct runoff from turf landscapes into ponds shall receive credit for one (1) BMP. A minimum coverage of fifty percent (50%) of the pond perimeter is required. Plans must demonstrate the area will not cause erosion impacts, will be properly maintained, and will maintain access for maintenance. Average five (5) foot wide strips planted on a minimum of two (2) foot centers with wetland and/or transitional plant species are required.</p>
<p>Group B – Stormwater Conveyance and Pretreatment BMPs</p>	
<p>1. Filter Strips / Vegetated Stormwater Inlets, or Vegetated Swales</p>	<p>a. Projects which contain vegetated buffers with less than five percent (5%) slope located between impervious areas and stormwater inlets shall receive credit for one (1) BMP. There must be a minimum of twenty (20) feet between impervious areas and inlets. The buffer area must be designed to minimize concentrating flows by spreading the flow over an area of at least five (5) feet wide. A minimum of thirty-five percent (35%) of the proposed project drainage area must be designed to discharge through the vegetated buffers. Areas that do not discharge through vegetated buffers must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP. For the purposes of this table, areas of high potential pollutant discharges are defined as areas where potential pollutants are stored or transferred and include maintenance areas, trash bin areas, fueling areas, and loading docks.</p> <p>b. Projects where a total of seventy percent (70%) of the proposed project drainage area is designed to discharge through the vegetated buffers described above shall receive credit for two (2) BMPs.</p>
<p>2. Vegetated (Grassed) Swales</p>	<p>Projects which utilize vegetated or grassed swales to receive stormwater runoff from roadways and parking lots, as opposed to curbs, gutters, or culverts, to convey stormwater shall receive credit for one (1) BMP. A minimum of thirty-five percent (35%) of the proposed project drainage area must be designed to discharge through these swales. Areas that do not discharge through these vegetated buffers must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP.</p>
<p>3. Sediment Trap Structures</p>	<p>a. Projects which incorporate the installation of baffle boxes, or equivalent proprietary designs, upstream of the primary detention/retention system, shall receive credit for one (1) BMP. Long-term operation plans must include mandatory manual or vacuum cleanout of accumulated sediments. An operating entity meeting the requirements of Section 9.1, Basis of Review for Environmental Resource Permits within the South Florida Water Management District dated _____, must be designated and a maintenance schedule must be established. A minimum of thirty-five percent (35%) of the proposed project drainage area must be designed to discharge through these facilities. Areas that do not discharge through these facilities must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP.</p> <p>b. Projects where a total of seventy percent (70%) of the proposed project drainage area is designed to discharge through the above described baffle boxes or equivalent proprietary designs shall receive two (2) BMP credits.</p>

<p>4. Dry Detention / Retention Pre-Treatment</p>	<p>a. Projects with dry detention/retention pre-treatment areas constructed upstream of primary detention/retention systems shall receive credit for one (1) BMP. A minimum additional one-half (1/2) inch detention/retention volume is required in addition to the detention/retention volume required in the primary detention/retention system. These areas are not subject to the twenty-five percent (25%) and fifty percent (50%) volume credits provided in Section 5.2.1 of the Basis of Review for Environmental Resource Applications within the South Florida Water Management District.</p> <p>A minimum of thirty-five (35%) of the proposed project drainage area must be designed to discharge through the dry detention/retention pretreatment areas. Portions of the project that do not discharge through dry detention/retention pretreatment areas must not be areas of high potential pollutant discharges, unless they have an alternate pretreatment BMP.</p> <p>b. Projects where seventy percent (70%) of the proposed project drainage area is designed to discharge through the dry detention/retention pretreatment areas described above shall receive two (2) BMPs.</p>
<p>Group C – Stormwater Management System Design Enhancement BMPs</p>	
<p>1. Extended Hydraulic Residence Time</p>	<p>Surface water management systems which provide for an extended average Hydraulic Residence Time of at least 21 days during the wet season (June – October) shall receive credit for one (1) BMP. The maximum detention area depth allowed in calculations to demonstrate compliance with the average hydraulic residence time is twelve (12) feet from the control elevation. The actual depth may be greater than twelve (12) feet to a maximum of twenty (20) feet if it can be demonstrated that the additional depth will not cause water quality degradation of the water discharging from the wet detention area.</p>
<p>2. Wetlands</p>	<p>Projects which utilize on-site created wetlands in a treatment train as a polishing cell after primary treatment shall receive credit for one (1) BMP. Created wetland mitigation areas are acceptable if primary treatment is provided prior to discharge into the mitigation area. Discharges into wetlands must not adversely impact the wetlands. Potential impacts include, but are not limited to, alteration of hydroperiod, erosion, recruitment of exotic species, or other water quality impacts.</p>
<p>3. Littoral Berms / Settling Basins / Phyto-Zones within Detention Areas</p>	<p>Projects with constructed basins within detention areas (lakes) below the control elevation that provide an area for discharges into the lake to disperse, allowing pollutants to settle out of the water column prior to overflowing an earthen or rock berm, into the remainder of the detention area shall receive credit for one (1) BMP. The earthen or rock berm must be located at or below the control elevation.</p> <p>A minimum of seventy percent (70%) of the proposed project drainage area must be designed to discharge through these facilities. Areas that do not discharge through these facilities must not be areas of high potential pollutant discharges, unless there is an alternate pretreatment BMP.</p>

<p>4. <u>Planted Filter Marsh</u></p>	<p>Projects designed with a planted wetland marsh just upstream of project outfall structure shall receive credit for one (1) BMP. These areas shall be designed as shallow areas with a minimum size of ten percent (10%) of the total lake area measured at the control elevation constructed within the lake and planted with wetland vegetation such that all stormwater must flow through the marsh area prior to discharging through the project outfall structure. A sump area between the marsh area and outfall structure is also required. Detailed plans of the marsh area are required that include marsh area location, dimensions, elevations, species to be planted and a maintenance plan.</p>
<p>5. <u>Increased Flow Path</u></p>	<p>Projects which incorporate internal levees and/or berms within the stormwater detention ponds or locate inflow and outflow structures to maximize effective treatment time by increasing the flow path distance shall receive credit for one (1) BMP. The minimum flow path distance between inflows and outflows for each pond must be twice the average width of the pond.</p>
<p>6. <u>Chemical Treatment</u></p>	<p>Addition of chemicals, such as Alum, to the stormwater management system shall result in credit for one (1) BMP. Detailed plans are required on chemical injection methods, rates, mixing of chemicals and stormwater, calculations for sizing settling basin, and location of each component. Operation and maintenance plans and monitoring of the system effectiveness is also required. The operating entity shall be a government entity with resources to operate and maintain the system.</p>



DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE TITLE: Approval of Continuing Education Courses
 RULE NO.: 61G6-9.006
 PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Approval of Continuing Education Courses.
 SPECIFIC AUTHORITY: 489.507(3), 489.517(3) FS.
 LAW IMPLEMENTED: 489.517(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: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

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 Medicine

RULE TITLE: Standards of Practice
 RULE NO.: 64B8-9.007
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to delete an inconsistency in the rule.
 SUBJECT AREA TO BE ADDRESSED: The deletion of subsection (5), which is inconsistent with the remainder of the rule.
 SPECIFIC AUTHORITY: 458.309 FS.
 LAW IMPLEMENTED: 458.331(1)(t),(v),(w) 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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.007 Standards of Practice.

The Board of Medicine interprets the standard of care requirement of Section 458.331(1)(t), F.S., and the delegation of duties restrictions of Section 458.331(1)(w), F.S., with regard to surgery as follows:

(1) through (4) No change.

~~(5) The rule shall have no application to anesthesia-related activities performed in accordance with Florida law.~~

Specific Authority 458.309 FS. Law Implemented 458.331(1)(t),(v),(w) FS. History—New 11-28-91, Formerly 21M-20.015, 21M-27.007, 61F6-27.007, 59R-9.007, Amended 2-18-04, _____.

DEPARTMENT OF HEALTH

Board of Dental Laboratories

RULE TITLE: Dental Laboratory Biennial Registration
 RULE NO.: 64B27-1.002
 PURPOSE AND EFFECT: To update the rule regarding laboratory closures.
 SUBJECT AREA TO BE ADDRESSED: Dental Laboratory Biennial Registration.
 SPECIFIC AUTHORITY: 466.038 FS.
 LAW IMPLEMENTED: 466.032(1), 466.033 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Division of Medical Quality Assurance, Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B27-1.002 Dental Laboratory Biennial Registration.

The Department shall issue a registration certificate entitling the holder to operate a dental laboratory for a period of two years, after the Department has received from the registering person, firm, or corporation:

(1) No change.

(2) No change.

(3) The operator of a dental laboratory shall notify the Department and shall return the certificate of registration to the Department within 30 days of its closing. Timely notification of the closure of a laboratory shall not in and of itself constitute grounds to deny the operator the ability to register other laboratories. Failure to timely notify the Department of the closure of a laboratory is grounds to deny an application for registration of a laboratory.

Specific Authority 466.038 FS. Law Implemented 466.032(1), 466.033 FS. History—New 2-10-93, Formerly 21-29.002, 61E4-1.002, Amended 10-29-95, Formerly 59CC-1.002, Amended 1-9-02, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE TITLE: Penalties for Employers Currently in Compliance Previously Failing to Secure the Payment of Compensation RULE NO.: 69L-6.030

PURPOSE AND EFFECT: To interpret Section 440.107(7), Florida Statutes, to impose penalties against employers currently in compliance with Chapter 440, Florida Statutes, where the employer previously failed to secure the payment of compensation for employees in violation of Chapter 440, Florida Statutes, without requiring service of a stop work order on the employer.

SUBJECT AREA TO BE ADDRESSED: Assessment of penalties against employers currently in compliance with Chapter 440, Florida Statutes, for previous violations of Chapter 440, Florida Statutes, and service of stop work orders against such employers.

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.
LAW IMPLEMENTED: 440.107(2), 440.107(7) FS.

IF REQUESTED 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 26, 2005
PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.030 Penalties for Employers Currently in Compliance Previously Failing to Secure the Payment of Compensation.
When an investigation commenced by the department pursuant to Section 440.107, Florida Statutes, reflects that the employer has failed to secure the payment of workers’ compensation, has materially understated or concealed payroll, has materially understated or concealed employee duties so as to avoid proper

classification for premium calculations, or has materially misrepresented or concealed information pertinent to the computation and application of an experience rating modification factor, but the employer comes into compliance with the workers’ compensation coverage requirements prior to the issuance of a stop work order, such employer shall be assessed a penalty pursuant to Section 440.107(7)(d)1., Florida Statutes, and a stop work order will not be issued for such violations. For purposes of this rule, an investigation commences on the date the department’s compliance investigator conducts an on-site inspection of the employer’s worksite or business location, or on the date the employer receives a written request to produce business records from the department pursuant to Section 440.107(7)(a), Florida Statutes, whichever is earlier.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(2), 440.107(7) FS. History—New _____.

**Section II
Proposed Rules**

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference RULE CHAPTER NO.: 14-15

RULE TITLE: Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways RULE NO.: 14-15.002

PURPOSE AND EFFECT: The *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways*, (Topic #625-000-015), commonly referred to as the Greenbook, is being amended. There are extensive amendments to the manual, especially Chapter 17. A copy of the draft can be downloaded from the following website:

<http://www.dot.state.fl.us/rddesign/Florida%20Greenbook/FG B.htm>

SUMMARY: The *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways* is being amended.

SPECIFIC AUTHORITY: 334.044(2), 336.045(1) FS.

LAW IMPLEMENTED: 336.045 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.002 Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways.

The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, May 2005 2002, edition, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. A copy of the manual can be downloaded from the following website:

<http://www.dot.state.fl.us/rddesign/Florida%20Greenbook/FG B.htm>. A certified copy has been filed with the Department of State. Copies of this Department manual and any amendments thereto are available from the Department of Transportation, Maps and Publications Sales, 605 Suwannee Street, Mail Station 12, Tallahassee, Florida 32399-0450, at no more than cost.

Specific Authority 334.044(2), 336.045(1) FS. Law Implemented 336.045 FS. History—New 1-22-76, Amended 7-13-81, 6-24-84, Formerly 14-15.02, Amended 8-25-86, 11-29-89, 11-1-94, 5-15-01, 7-9-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Quigley, Roadway Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Batterer’s Intervention Programs RULE NO.: 33-504.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule repeal is to eliminate reference to a program for which the Department of Corrections no longer has responsibility.

SUMMARY: The rule addressing certification of batterer’s intervention programs is being repealed. Chapter 2001-183, Laws of Florida, transferred the Office of Certification and Monitoring of Batterer’s Intervention Programs from the Department of Corrections to the Department of Children and Family Services.

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: 741.325 FS.

LAW IMPLEMENTED: 741.325 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-504.201 Batterer’s Intervention Programs.

Specific Authority 741.325 FS. Law Implemented 741.325 FS. History—New 9-29-96, Formerly 33-20.008, Amended 1-12-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Beth Atchison, Assistant Secretary of Community Corrections

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility Regulation/Financial Analysis

RULE TITLES:	RULE NOS.:
Florida Hospital Uniform Reporting System	59E-5.102
Prior Year Report Requirements	59E-5.201
Notice of Violation or Deemed Not Filed and Response	59E-5.205
Instructions and Specifications for Using COMPASS to Prepare and Transmit Hospital Prior Year Reports in Accordance with the Florida Hospital Uniform Reporting System	59E-5.206

PURPOSE AND EFFECT: The Agency intends to replace the electronic Financial Analysis Data Entry System (FADES) with a new electronic data entry system known as (COMPASS). The Agency proposes to require that COMPASS be used as the method by which all hospitals prepare and transmit the prior year actual report electronically to the Agency in accordance with the FHURS.

SUMMARY: All of the current rule language regarding the Financial Analysis Data Entry System (FADES) and the attendant reporting requirements are being replaced with COMPASS as the method to be used by all hospitals to submit the prior year actual report to the Agency.

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

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

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061(4), 395.701, 154.304, 409.9116, 408.20 FS.

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

TIME AND DATE: 10:00 a.m., July 28 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Chris Augsburger, Regulatory Analyst Supervisor, Bureau of Health Facility Regulation/Financial Analysis Section, 2727 Mahan Drive, MS #28, Tallahassee, FL 32308-5403

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-5.102 Florida Hospital Uniform Reporting System.

(1) The Agency for Health Care Administration hereby adopts and establishes a uniform system for hospital reporting by adopting and incorporating by reference the Florida Hospital Uniform Reporting System (FHURS) Manual, Version 2005-1 92-1, June 2005 April 9, 1992. This manual, which includes reporting forms, has the force and effect of the Agency for Health Care Administration's rules.

(2) A copy of the current FHURS Manual may be obtained, upon payment of the cost of reproduction, by writing to: The Agency for Health Care Administration, Supervisor of Financial Analysis, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28, Tallahassee, Florida 32308-5403, or by downloading it free of charge from the Agency's website at http://ahca.myflorida.com/MCHQ/CON_FA/fa_data/index.shtml.

Specific Authority 408.15(8), 408.061(2) FS. Law Implemented 408.15(8), 408.061(2), 408.07(18)(22) FS. History—New 6-11-92, Formerly 10N-5.102, Amended 2-24-94, 3-16-03, 6-8-03, _____.

59E-5.201 Prior Year Report Requirements.

(1) Each hospital shall submit to the Agency, not more than 120 days subsequent to the end of its fiscal year, its prior year report for the fiscal year then ended.

(2) The prior year report shall consist of the following:

(a) For hospital financial accounting periods ending on or after April 30, 2005 ~~subsequent to December 31, 1998~~, and with corresponding due dates beginning on or after August 29, 2005 ~~April 30, 1999 and beyond~~, the prior year actual report shall be submitted to the Agency using the computer software known as COMPASS. COMPASS "FADES". ~~The FADES software~~ has been developed by the Agency for the purpose of electronically filing the prior year actual report. COMPASS ~~The software is a Visual Basic template~~ is a modified Microsoft Excel workbook that reproduces the FHURS worksheets pursuant to Rules 59E-5.102 and 59E-5.103, F.A.C., of this chapter ~~in an electronic format~~. COMPASS ~~The software~~ also exports ~~converts~~ the worksheet data into a specifically defined comma separated text file for transmission to the Agency ~~precisely designed file structure which can be electronically processed through the Agency's computer system~~. Hospitals shall use COMPASS ~~the FADES software~~ to keypunch the required data into the FHURS worksheet formats in accordance with Rule 59E-5.206, F.A.C ~~information and to transmit the data to the Agency~~. COMPASS ~~An installation diskette~~ will be provided to hospitals prior to the due date of the 2005 ~~1999~~ report in a timely manner free of charge. Hospitals shall not use an alternative version of COMPASS ~~the software~~ until such software is approved for use by the Agency. Hospitals shall not request approval for use of alternative software within 120 days prior to the report being due. The COMPASS comma separated text file data produced from the FADES application shall be returned to the Agency by electronic mail (E-mail) using normal electronic protocols for E-mail services. The COMPASS comma separated text file shall be attached to the E-mail message on a 3.5 inch computer diskette pursuant to the formatting requirements provided in Rule 59E-5.206, F.A.C.

(b) The E-mail message shall be sent to the Agency on or before the due date of the report and 3.5 inch diskette shall contain ~~be submitted with~~ the following information: ~~on an externally affixed label~~.

1. "Hospital FHURS Report".
2. Hospital Name.
3. Hospital Number (8 digit format).
4. Reporting period.

5. "Submission Number" which is the COMPASS generated submission number listed on each worksheet at the time the report is exported ~~represents a progressive count of the number of diskettes sent to the Agency for this report~~.

6. Name of contact person including area code and telephone number.

(c) FHURS "Worksheet A" on paper that contains the appropriate signatures by the Chief Executive Officer and Chief Financial Officer of the hospital;

(d) Two paper copies of the audited financial statements; and

(e) One paper copy of the Medicare cost report.

(3) The actual report shall be prepared for each hospital from the audited financial statements. Whenever an actual report is not in agreement with the corresponding audited financial statements, the hospital shall provide a reconciliation of the amounts presented in the audited financial statements to amounts reported in the actual report.

(4) In the event a hospital's audited actual data is restated in accordance with generally accepted accounting principles, the hospital shall report the restatement to the Agency within 30 days of the issuance of the restatement.

Specific Authority 408.061(2), 408.15(8) FS. Law Implemented 408.061, 408.08 FS. History--New 6-11-92, Formerly 10N-5.201, Amended 3-28-99, _____.

59E-5.205 Notice of Violation or Deemed Not Filed and Response.

(1) Once a report has been filed in accordance with Rules 59E-2.015 and 59E-5.201, F.A.C., the Agency will review the report and determine if:

(a) It conforms to applicable statutory, rule and FHURS Manual requirements.

(b) The data are mathematically accurate, reasonable and verifiable.

(2) If the report does not conform to the above requirements, the report will be deemed "not accepted" and a notice of violation will be sent certified mail, or by other delivery service which provides proof of delivery, to the hospital.

(3) The notice shall clearly indicate the deficiencies found, the corrections or modifications necessary to make it complete or conforming or its data verifiable, as well as the time by which a corrected or modified report must be received by the Agency.

(4) A hospital shall have no fewer than 10 working days following receipt of the notice of violation or notice of deemed not filed to return the requested corrected or modified report to the Agency.

(5) Modifications or corrections to various accounts and worksheet cells shall be made by resubmitting the entire report using the COMPASS comma separated text file. FADES software and be re-transmitted via computer diskette using the formats pursuant to Rule 59E-5.206, F.A.C. The COMPASS comma separated text file shall be returned to the Agency by electronic mail (E-mail) using the normal electronic protocols for E-mail services. The COMPASS comma separated text file shall be attached to the E-mail message. The E-mail message shall contain the following information: The diskette shall be submitted with the following information on an externally affixed label:

(a) "Corrections to Hospital FHURS Report."

(b) Hospital Name.

(c) Hospital Number (8 digit format).

(d) Reporting period.

(e) "Submission Number" which is the COMPASS generated submission number listed on each worksheet at the time the report is exported represents a progressive count of the number of diskettes sent to the agency for this report. A cover letter shall be provided with the diskette outlining the contents of the corrections contained on the diskette.

(6) The COMPASS comma separated text files containing the prior year actual Actual reports must be properly formatted on a 3.5 inch diskette in accordance with Rule 59E-5.206, F.A.C., of this chapter and readable by Agency software, otherwise the report will be deemed not filed and the hospital will be subject to the penalties for late filing as prescribed in this chapter.

~~(7) Hospitals whose reports are deemed not filed resulting from an improperly formatted diskette will receive an edit report that will attempt to describe the formatting deficiencies in sufficient detail to initiate corrective action by the hospital.~~

Specific Authority 408.061(2),(3),(4)(a),(7); 408.15(8) FS. Law Implemented 408.061(2),(3),(4)(a),(7); 408.062, 408.08 FS. History--New 6-11-92, Formerly 10N-5.205, Amended 3-28-99, 3-16-03, _____.

59E-5.206 Instructions and Specifications for Using COMPASS the Financial Analysis Data Entry System (FADES) to Prepare and Transmit Hospital Prior Year Reports in Accordance with the Florida Hospital Uniform Reporting System.

(1) The Agency for Health Care Administration hereby establishes a system for the electronic filing of hospital prior year actual reports by adopting and incorporating by reference the Agency software known as COMPASS "FADES", and the COMPASS FADES system specifications contained in the COMPASS USER MANUAL, Version May 2005. "Financial Analysis Data Entry System Manual," Version 98 1. The COMPASS USER MANUAL, Version May 2005 This manual has the force and effect of the Agency for Health Care Administration's rules.

(2) The COMPASS USER MANUAL An initial copy of the FADES Manual will be provided to hospitals free of charge on the Agency's website at http://ahca.myflorida.com/MCHQ/CON_FA/fa_data/compass.shtml. Paper Additional copies may be obtained upon payment of the cost of reproduction by writing The Agency for Health Care Administration, Supervisor of Financial Analysis, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28, Tallahassee, Florida 32308-5403 contacting the Agency for Health Care Administration, Office of the Bureau Chief, Certificate of Need/Financial Analysis, 2727 Mahan Drive, Building 3, Room 1221, Tallahassee, FL 32308.

Specific Authority 408.061(2), 408.15(8) FS. Law Implemented 408.061, 408.08 FS. History--New 3-28-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christopher J. Augsburger, Regulatory Analyst Supervisor
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey N. Gregg, Bureau Chief, Health Facility Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: JUNE 3, 2005
 THE MATERIALS INCORPORATED BY REFERENCE IN RULES 59E-5.102 AND 59E-5.206 ARE AVAILABLE UPON REQUEST FROM THE AGENCY FOR HEALTH CARE ADMINISTRATION.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Prescription Drug Coverage Denials
 RULE NO.: 59G-4.255
 PURPOSE AND EFFECT: The purpose of this rule is to establish procedures that will expedite the access to fair hearings for eligible Medicaid recipients with cognizable prescription drug claims and to assure full and meaningful compliance with federal and state law, as mandated under 42 CFR 431.221(c), and generally under 42 CFR 431.205 through 431.246 and Florida Statute 409.919, *et seq.* These procedures are also pursuant to a federal court order in Anthony Hernandez v Rhonda Medows, 02-20964 (US District Court, Southern District of FL).

The rule requires Medicaid-participating pharmacies to provide a pamphlet, which is incorporated by reference, to Medicaid recipients whose prescription drug claims are denied by Medicaid. The pharmacy must enter on the pamphlet, the date, the recipient's name, drug name, and reason for the denial or attach a printout of the computer screen stating the reason for the denial. In addition, Medicaid-participating pharmacies must post a sign informing recipients of a toll-free number that can be called if a prescription is denied and the pharmacy failed to provide the denial information and information pamphlet to the recipient.

The rule requires Medicaid recipients who dispute their prescription denials to contact the Medicaid pharmacy Ombudsman for assistance in resolving the dispute before requesting a fair hearing. The rule also requires recipients to request fair hearings for prescription denials in writing.

SUMMARY: The purpose of this rule amendment is to establish procedures that will expedite the access to fair hearings for eligible Medicaid recipients with cognizable prescription drug claims and to assure full and meaningful compliance with federal and state law. These procedures are also pursuant to a federal court order in Anthony Hernandez v Rhonda Medows, 02-20964 (US District Court, Southern District of FL).

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

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

SPECIFIC AUTHORITY: 409.902, 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Girard, Agency for Health Care Administration, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-9711

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.255 Prescription Drug Coverage Denials.

(1) Medicaid-participating pharmacies shall provide the pamphlet, Important Information about your Florida Medicaid Prescription Drug Benefits, 4/27/04, or Información Importante A cerca de sus beneficios de medicamentos con receta del Medicaid de la Florida, 4/22/04, which are incorporated by reference, to Medicaid recipients whose prescription drug claims are denied by Medicaid and the pharmacy cannot resolve the denial during that day's pharmacy visit. The pharmacy must write on the pamphlet, the date, the recipient's name, the drug name, and the reason for the denial or attach a printout of the computer screen stating the reason for the denial. The pamphlets are available from the Agency for Health Care Administration's website at <http://ahca.myflorida.com>.

(2) Medicaid-participating pharmacies shall post two signs, one in English and one in Spanish, which are incorporated by reference, informing recipients of a toll-free number that can be called if the prescription is denied and the pharmacy failed to provide the denial information and the Important Information About Your Florida Medicaid Prescription Drug Benefits pamphlet to the recipient. The signs are available from the Agency for Health Care Administration's website at <http://ahca.myflorida.com>.

(3) Notwithstanding any other provisions of Florida Administrative Code, Rule 65-2.045 et seq., and in accordance with the provisions mandated under 42 CFR 431.221(c) and generally under 42 CFR 431.205 through 431.246 and Florida

Statutes 409.902 and 409.919, the following provisions apply to the fair hearing process for Medicaid recipients who have a denied prescription:

(a) The recipient must contact the Medicaid pharmacy Ombudsman for assistance in resolving the denial before requesting a fair hearing.

(b) The recipient must request the fair hearing in writing. The hearing request can be on the Fair Hearing Request Form contained in the Important Information About Your Florida Medicaid Prescription Drug Benefits pamphlet or by another written request that contains the same information that is on the Fair Hearing Request Form. The recipient or his authorized representative must enter the name of the drug, the reason for denial, the date of the denial, the reason(s) for requesting a hearing, and sign the form or written request.

(c) If the denial was because the drug required prior authorization, the recipient must attach evidence that his physician tried to get prior authorization. Evidence of prior authorization may include a completed, appropriate prior authorization form that was submitted by the recipient's physician. The prior authorization forms are incorporated by reference in Rule 59G-4.250, F.A.C.

(d) If a fair hearing form or written request is incomplete, the Department of Children and Families, Office of Appeals Hearings must send a written notice of rejection of the hearing request to the recipient within ten days. The notice must state the reason the hearing request was rejected.

(e) Recipients do not have the right to a fair hearing if one of the following circumstances applies:

1. The recipient has not made reasonable efforts to resolve rejection of his drug claim. Reasonable efforts are defined as follows:

(a) The recipient performed self-help measures to resolve the claim rejection(s) in questions. The court order defined self help as contacting the prescriber for prior-authorization, returning to the pharmacy on the appropriate date if the reason for rejection(s) is "early refill" when appropriate; cooperating with employees of the pharmacy; and providing information that is within the control of the recipient; and

(b) The recipient contacted the Ombudsman or attempted to contact the Ombudsman (e.g. left a voice mail, left a message with a person other than the Ombudsman, or sent an email or fax to the Ombudsman's office) and provided sufficient information so that the Ombudsman would have been able to either contact the recipient with three business days of the initial attempt by the recipient, or investigate the claim rejection based on the information provided by the recipient in the initial attempt.

2. The prescription drug rejection was due to lack of prior authorization, there is no dispute about whether the drug requires prior authorization, and there is not evidence included with the hearing request that the prescriber tried to obtain prior authorization.

3. If the recipient is challenging the legality of a restriction set forth in a federal Medicaid statute or regulation or state Medicaid statute or rule rather than a factual dispute arising from application of the statute.

4. If the rejection is for an early refill and there is no dispute over whether the refill was in fact early.

5. If the prescription is legally invalid pursuant to any state or federal statute that specifies the legal content of a prescription, and only the prescriber (who must be licensed and authorized to do so) can correct the prescription to make it legally valid and refuses to do so.

6. If the pharmacy is not enrolled as a Medicaid provider; or in the case of an HMO member, the pharmacy is not a participating provider in the HMO.

(f) These procedures do not apply to hearing requests regarding denials of prior authorization requests for those prescriptions identified as protocol drugs by the Agency for Health Care Administration. All hearing requests regarding prior authorization denials of these drugs shall be granted.

Specific Authority 409.902, 409.919 FS. Law Implemented 409.902, 409.906 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Girard

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Payment Methodology for Inpatient 59G-6.020
Hospital Services

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) Payment methodology, effective June 1, 2005. These changes are based upon a recalculation of the 2004-05 Special Medicaid payment methodology to reflect final total payments and the estimated payments for 2005-06 to reflect interim payments.

Effective June 1, 2005 and ending June 30, 2005, the final total of all special Medicaid payments (SMPs) will be the lower of (1) -85.90 percent of the total Upper Payment Limit (UPL) for private hospitals and -195.00 percent of the total Upper Payment Limit for non-state public hospitals, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all special Medicaid payments will not exceed the Upper Payment Limit.

Effective July 1, 2005, the final total of all special Medicaid payments (SMPs) will be the lower of (1) 35 percent of the total Upper Payment Limit (UPL) for private hospitals and 80 percent of the total Upper Payment Limit for non-state public hospitals, as defined in section VII. B, or (2) 100 percent of the difference between Medicaid payments and 100 percent of what would have been paid under Medicare payment principles. Interim payments will be adjusted to match this total. The total of all special Medicaid payments will not exceed the Upper Payment Limit.

SUMMARY: A recalculation of the 2004-05 Special Medicaid payment methodology to reflect final total payments for Fiscal year 2004-05 and the estimated 2005-06 appropriations to reflect interim total payments.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., July 27, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version ~~XXVIII~~ ~~XXXVII~~, Effective Date ~~October 12, 2004~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 10-12-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 22, 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 Speech-Language Pathology and Audiology

RULE TITLE: Standards for Approval of Continuing

RULE NO.:

Education Activities and Providers

64B20-6.002

PURPOSE AND EFFECT: The Board proposes to approve another associational provider, whose program meet the requirements of the rule as a provider of continuing education.

SUMMARY: The rule adds the American Academy of Audiology as a provider for continuing education programs, so long as the programs meet the criteria requirements of Rule 64B20-6.002, F.A.C.

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

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

SPECIFIC AUTHORITY: 456.013, 468.1135(4), 468.1195(3) FS.

LAW IMPLEMENTED: 468.1195 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-6.002 Standards for Approval of Continuing Education Activities and Providers.

(1) through (3) No change.

(4) All programs approved by the American Speech-Language Hearing Association (ASHA) and American Academy of Audiology for continuing education credit for speech-language pathologists or audiologists or assistants that meet the requirements of this rule shall be deemed approved by this Board for continuing education for licensees and certified assistants.

(5) through (7) No change.

Specific Authority 456.013, 468.1135(4), 468.1195(3) FS. Law Implemented 468.1195 FS. History—New 3-14-91, Formerly 21LL-6.002, Amended 9-20-93, Formerly 61F14-6.002, Amended 3-28-95, 10-1-95, Formerly 59BB-6.002, Amended 1-6-00.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Speech-Language Pathology and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Speech-Language Pathology and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: February 4, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE:

Florida Workers' Compensation Health Care

Provider Reimbursement Manual

RULE NO.:

69L-7.020

PURPOSE AND EFFECT: To amend Rule 69L-7.020, F.A.C., to adopt the 2005 second edition of the Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporate 2005 Medicare values and implement the statewide schedules of maximum medical reimbursement allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), Florida Statutes, at its meeting on November 19, 2004, and otherwise address issues raised by the Three-Member Panel.

SUMMARY OF STATEMENT OF ESTIMATED

REGULATORY COSTS: The Department has considered the regulatory costs of the rule. It is believed that the costs involved are out-weighed by the cost savings and other benefits of the rule.

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

SPECIFIC AUTHORITY: 440.13(14)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(7),(12),(14) FS.

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2005 Second Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The Physicians' Current Procedural Terminology (CPT®), 2005 ~~2004~~ Professional Edition, Copyright 2004 ~~2003~~, American Medical Association; the Current Dental Terminology, CDT-2005 (~~CDT-4~~), ~~Fourth Edition~~, Copyright 2004 ~~2002~~, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2005 ~~2004~~", Seventeenth ~~Sixteenth~~ Edition, Copyright 2004 ~~2003~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service, which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2005 Second Edition incorporated above, the provider must use a code contained in the CPT®, CDT-2005 ~~CDT-4~~ or HCPCS as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2005 Second Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com>.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7),(12),(14) FS. History--New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05,_____.

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

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

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

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Use of Credit Reports and Credit Scores by Insurers

RULE NO.: 690-125.005

PURPOSE, EFFECT AND SUMMARY: The proposed rule implements the provisions of Section 626.9741, F.S. created by Senate Bill 40-A, which address compliance; statistical detail standards to ensure that rates or premiums associated with credit reports or scores are not unfairly discriminatory; and standards for review of models, methods, programs, or other processes that produce credit scores to determine that they are not unfairly discriminatory. The rule establishes standards and requirements for the use of credit reports or scores by insurers. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 626.9741(8) FS.

LAW IMPLEMENTED: 624.307(1), 626.9741 FS.

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

TIME AND DATE: 3:00 p.m., July 26, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Senior Management Analyst/Supervisor, Property and Casualty Product Review, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, e-mail: michael.milnes@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-125.005 Use of Credit Reports and Credit Scores by Insurers.

(1) For the purpose of this rule, the following definitions apply:

(a) "Applicant", for purposes of Section 626.9741, F.S., means an individual whose credit report or score is requested for underwriting or rating purposes relating to personal lines motor vehicle or personal lines residential insurance and shall not include individuals who have merely requested a quote.

(b) "Credit scoring methodology" means any methodology that uses credit reports or credit scores, in whole or in part, for underwriting or rating purposes.

(c) "Data cleansing" means the correction or enhancement of presumed incomplete, incorrect, missing, or improperly formatted information.

(d) "Personal lines motor vehicle" insurance means insurance against loss or damage to any motorized land vehicle or any loss, liability, or expense resulting from or incidental to ownership, maintenance or use of such vehicle if the contract of insurance shows one or more natural persons as named insureds.

1. The following are not included in this definition:

- a. Vehicles used as public livery or conveyance;
- b. Vehicles rented to others;
- c. Vehicles with more than four wheels;
- d. Vehicles used primarily for commercial purposes; and
- e. Vehicles with a net vehicle weight of more than 5,000 pounds designed or used for the carriage of goods (other than the personal effects of passengers) or drawing a trailer designed or used for the carriage of such goods.

2. The following are specifically included, inter alia, in this definition:

- a. Motorcycles;
- b. Motor homes;
- c. Antique or classic automobiles; and
- d. Recreational vehicles.

(e) "Unfairly discriminatory" means that adverse decisions resulting from the use of a credit scoring methodology disproportionately affects persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S.

(2) Insurers may not use any credit scoring methodology that is unfairly discriminatory. The burden of demonstrating that the credit scoring methodology is not unfairly discriminatory is upon the insurer.

(3) An insurer may not request or use a credit report or credit score in its underwriting or rating method unless it maintains and adheres to established written procedures that reflect the restrictions set forth in the federal Fair Credit Reporting Act, Section 626.9741, F.S., and these rules.

(4) Upon initial use or any change in that use, insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall include the following information in filings submitted pursuant to Section 627.062 or 627.0651, F.S.

(a) A listing of the types of individuals whose credit reports or scores the company will use or attempt to use to underwrite or rate a given policy. For example:

1. Person signing application;
2. Named insured or spouse; and
3. All listed operators.

(b) How those individual reports or scores will be combined if more than one is used. For example:

1. Average score used;
2. Highest score used.

(c) The name(s) of the consumer reporting agencies or any other third party vendors from which the company will obtain or attempt to obtain credit reports or scores.

(d) Precise identifying information specifying or describing the credit scoring methodology, if any, the company will use including:

1. Common or trade name;
2. Version, subtype, or intended segment of business the system was designed for; and
3. Any other information needed to distinguish a particular credit scoring methodology from other similar ones, whether developed by the company or by a third party vendor.

(e) The effect of particular scores or ranges of scores (or, for companies not using scores, the effect of particular items appearing on a credit report) on any of the following as applicable:

1. Rate or premium charged for a policy of insurance;
2. Placement of an insured or applicant in a rating tier;
3. Placement of an applicant or insured in a company within an affiliated group of insurance companies;
4. Decision to refuse to issue or renew a policy of insurance or to issue a policy with exclusions or restrictions or limitations in payment plans.

(f) The effect of the absence or insufficiency of credit history (as referenced in Section 626.9741(4)(c)1., F.S.) on any items listed in paragraph (e) above.

(g) The manner in which collection accounts identified with a medical industry code (as referenced in Section 626.9741(4)(c)2., F.S.) on a consumer's credit report will be treated in the underwriting or rating process or within any credit scoring methodology used.

(h) The manner in which collection accounts that are not identified with a medical industry code, but which an applicant or insured demonstrates are the direct result of significant and extraordinary medical expenses, will be treated in the underwriting or rating process or within any credit scoring methodology used.

(i) The manner in which the following will be treated in the underwriting or rating process, or within any credit scoring methodology used:

1. Credit inquiries not initiated by the consumer;
2. Requests by the consumer for the consumer's own credit information;
3. Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another;
4. Multiple lender inquiries that are not coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry or the home mortgage industry and made within 30 days of one another, but that an applicant or insured demonstrates are the direct result of such inquiries;

5. Inquiries relating to insurance coverage, if so identified on a consumer's credit report; and

6. Inquiries relating to insurance coverage that are not so identified on a consumer's credit report, but which an applicant or insured demonstrates are the direct result of such inquiries.

(j) The list of all clear and specific primary reasons that may be cited to the consumer as the basis or explanation for an adverse decision under Section 626.9741(3), F.S. and the criteria determining when each of those reasons will be so cited.

(k) A description of the process that the insurer will use to correct any error in premium charged the insured, or in underwriting decision made concerning the insured, if the basis of the premium charged or the decision made is a disputed item that is later removed from the credit report or corrected, provided that the insured first notifies the insurer that the item has been removed or corrected.

(l) A certification that no use of credit reports or scores in rating insurance will apply to any component of a rate or premium attributed to hurricane coverage for residential properties as separately identified in accordance with Section 627.0629, F.S.

(5) Insurers desiring to make adverse decisions for personal lines motor vehicle policies or personal lines residential policies based on the absence or insufficiency of credit history shall either:

(a) Treat such consumers or applicants as otherwise approved by the Office of Insurance Regulation if the insurer presents information that such an absence or inability is related to the risk for the insurer and does not result in a disparate impact on persons belonging to any of the classes set forth in

Section 626.9741(8)(c), F.S. This information will be held as confidential if properly so identified by the insurer and eligible under Section 626.9711, F.S. The information shall include:

1. Data comparing experience for each category of those with absent or insufficient credit history to each category of insureds separately treated with respect to credit and having sufficient credit history;

2. A statistically credible method of analysis that concludes that the relationship between absence or insufficiency and the risk assumed is not due to chance;

3. A statistically credible method of analysis that concludes that absence or insufficiency of credit history does not disparately impact persons belonging to any of the classes set forth in Section 626.9741(8)(c), F.S.;

4. A statistically credible method of analysis that confirms that the treatment proposed by the insurer is quantitatively appropriate; and

5. Statistical tests establishing that the treatment proposed by the insurer is warranted for the total of all consumers with absence or insufficiency of credit history and for at least two subsets of such consumers;

(b) Treat such consumers as if the applicant or insured had neutral credit information, as defined by the insurer. Should an insurer fail to specify a definition, neutral is defined as the average score that a stratified random sample of consumers or applicants having sufficient credit history would attain using the insurer's credit scoring methodology; or

(c) Exclude credit as a factor and use other criteria. These other criteria must be specified by the insurer and must not result in average treatment for the totality of consumers with an absence of or insufficiency of credit history any less favorable than the treatment of average consumers or applicants having sufficient credit history.

(6) Insurers desiring to make adverse decisions for personal lines motor vehicle or personal lines residential insurance based on information contained in a credit report or score shall file with the Office information establishing that the results of such decisions do not correlate so closely with the zip code of residence of the insured as to constitute a decision based on place of residence of the insured in violation of Section 626.9741(4)(c)(3), F.S.

(7)(a) Insurers using credit reports or credit scores for underwriting or rating personal lines residential or personal lines motor vehicle insurance shall develop, maintain, and adhere to written procedures consistent with Section 626.9741(4)(e), F.S. providing appeals for applicants or insureds whose credit reports or scores are unduly influenced by dissolution of marriage, death of a spouse, or temporary loss of employment.

(b) These procedures shall be subject to examination by the Office at any time.

(8)(a)1. Insurers using credit reports or credit scoring in rating personal lines motor vehicle or personal lines residential insurance shall develop, maintain, and adhere to written procedures to review the credit history of an insured who was adversely affected by such use at initial rating of the policy or subsequent renewal thereof.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. A review shall be conducted:

(I) No later than 2 years following the date of any adverse decision, or

(II) Any time, at the request of the insured, but no more than once per policy period without insurer assent.

b. The insurer shall notify the named insureds annually of their right to request the review in (II) above. Renewal notices issued 120 days or less after the effective date of this rule are not included in this requirement.

c. The insurer shall adjust the premium to reflect any improvement in credit history no later than the first renewal date that follows a review of credit history. The renewal premium shall be subject to other rating factors lawfully used by the insurer.

d. The review shall not be used by the insurer to cancel, refuse to renew, or require a change in the method of payment or payment plan based on credit history.

(b)1. As an alternative to the requirements in paragraph (8)(a), insurers using credit reports or scores at the inception of a policy but not for re-underwriting shall develop, maintain, and adhere to written procedures.

2. These procedures shall be subject to examination by the Office at any time.

3. The procedures shall comply with the following:

a. Insureds shall be reevaluated no later than 3 years following policy inception based on allowable underwriting or rating factors, excluding credit information.

b. The rate or premium charged to an insured shall not be greater, solely as a result of the reevaluation, than the rate or premium charged for the immediately preceding policy term. This shall not be construed to prohibit an insurer from applying regular underwriting criteria (which may result in a greater premium) or general rate increases to the premium charged.

c. For insureds that received an adverse decision notification at policy inception, no residual effects of that adverse decision shall survive the reevaluation. This means that the reevaluation must be complete enough to make it possible for insureds adversely impacted at inception to attain the lowest available rate for which comparable insureds are eligible, considering only allowable underwriting or rating factors (excluding credit information) at the time of the reevaluation.

(9) No credit scoring methodology shall be used for personal lines motor vehicle or personal lines residential property insurance unless that methodology has been demonstrated to be a valid predictor of the insurance risk to be assumed by an insurer for the applicable type of insurance. The demonstration of validity detailed below need only be provided with the first rate, rule, or underwriting guidelines filing following the effective date of this rule and at any time a change is made in the credit scoring methodology. Other such filings may instead refer to the most recent prior filing containing a demonstration. Information supplied in the context of a demonstration of validity will be held as confidential if properly so identified by the insurer and eligible under Section 626.9711, F.S. A demonstration of validity shall include:

(a) A listing of the persons that contributed substantially to the development of the most current version of the method, including resumes of the persons, if obtainable, indicating their qualifications and experience in similar endeavors.

(b) An enumeration of all data cleansing techniques that have been used in the development of the method, which shall include:

1. The nature of each technique;
2. Any biases the technique might introduce; and
3. The prevalence of each type of invalid information prior to correction or enhancement.

(c) All data input that was used by the model developers in the derivation and calibration of the model parameters.

1. Data shall be in sufficient detail to permit the Office to conduct multiple regression testing for validation of the credit scoring methodology.

2. Data, including field definitions, shall be supplied in electronic format compatible with the software used by the Office.

(d) Statistical results showing that the model and parameters are predictive and not overlapping or duplicative of any other variables used to rate an applicant to such a degree as to render their combined use actuarially unsound. Such results shall include the period of time for which each element from a credit report is used.

(e) A precise listing of all elements from a credit report that are used in scoring, and the formula used to compute the score, including the time period during which each element is used. Such listing is confidential if properly so identified by the insurer.

(f) An assessment by a qualified actuary, economist, or statistician (whether or not employed by the insurer) other than persons who contributed substantially to the development of the credit scoring methodology, concluding that there is a significant statistical correlation between the scores and frequency or severity of claims. The assessment shall:

1. Identify the person performing the assessment and show his or her educational and professional experience qualifications; and

2. Include a test of robustness of the model, showing that it performs well on a credible validation data set. The validation data set may not be the one from which the model was developed.

(g) Documentation consisting of statistical testing of the application of the credit scoring model to determine whether it results in a disproportionate impact on the classes set forth in Section 626.9741(8)(c), F.S. A model that disproportionately affects any such class of persons is presumed to have a disparate impact and is presumed to be unfairly discriminatory.

1. Statistical analysis shall be performed on the current insureds of the insurer using the proposed credit scoring model, and shall include the raw data and detailed results on each classification set forth in Section 626.9741(8)(c), F.S. In lieu of such analysis insurers may use the alternative in 2. below.

2. Alternatively, insurers may submit statistical studies and analyses that have been performed by educational institutions, independent professional associations, or other reputable entities recognized in the field, that indicate that there is no disproportionate impact on any of the classes set forth in Section 626.9741(8)(c), F.S. attributable to the use of credit reports or scores. Any such studies or analyses shall have been done concerning the specific credit scoring model proposed by the insurer.

3. The Office will utilize generally accepted statistical analysis principles in reviewing studies submitted which support the insurer's analysis that the credit scoring model does not disproportionately impact any class based upon race, color, religion, marital status, age, gender, income, national origin, or place of residence. The Office will permit reliance on such studies only to the extent that they permit independent verification of the results.

(h) The testing or validation results obtained in the course of the assessment in paragraphs (d) and (f) above.

(i) Internal Insurer data that validates the premium differentials proposed based on the scores or ranges of scores.

1. Industry or countrywide data may be used to the extent that the Florida insurer data lacks credibility based upon generally accepted actuarial standards. Insurers using industry or countrywide data for validation shall supply Florida insurer data and demonstrate that generally accepted actuarial standards would allow reliance on each set of data to the extent the insurer has done so.

2. Validation data including claims on personal lines residential insurance policies that are the result of acts of God shall not be used unless such acts occurred prior to January 1, 2004.

3. The mere copying of another company’s system will not fulfill the requirement to validate proposed premium differentials unless the filer has used a method or system for less than 3 years and demonstrates that it is not cost effective to retrospectively analyze its own data. Companies under common ownership, management, and control may copy to fulfill the requirement to validate proposed premium differentials if they demonstrate that the characteristics of the business to be written by the affiliate doing the copying are sufficiently similar to the affiliate being copied to presume common differentials will be accurate.

(j) The credibility standards and any judgmental adjustments, including limitations on effects, that have been used in the process of deriving premium differentials proposed and validated in paragraph (i) above.

(k) An explanation of how the credit scoring methodology treats discrepancies in the information that could have been obtained from different consumer reporting agencies: Equifax, Experian, or TransUnion. This shall not be construed to require insurers to obtain multiple reports for each insured or applicant.

(l)1. The date that each of the analyses, tests, and validations required in paragraphs (d) through (j) above was most recently performed, and a certification that the results continue to be applicable.

2. Any item not reviewed in the previous 5 years is unacceptable.

Specific Authority 624.308(1), 626.9741(8) FS. Law Implemented 624.307(1), 626.9741 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

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

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 31, 2003 and February 27, 2004

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Use of Filed Rates	69O-170.005
Rate Manual Filings and Revisions	69O-170.006
Annual Rate Filings	69O-170.007
Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms	69O-170.013

Actuarial Memorandum	69O-170.0135
Homeowners Insurance Ratemaking and Rate Filing Procedures	69O-170.014
Dwelling Insurance Ratemaking and Rate Filing Procedures	69O-170.0141
Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines	69O-170.0142
Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice Forms	69O-170.0143 69O-170.0155

PURPOSE, EFFECT AND SUMMARY: Improve the ability of the Office to fulfill its’ statutory duty of reviewing rate filings to determine whether they are not excessive, inadequate or unfairly discriminatory by providing specific detail of the components to be provided in a rate filing essential for such determination; Delete outdated language and mandate electronic filing; Add specific filing details for medical malpractice coverage; Add provisions for streamlined rate filings; Adopt amended Form OIR-B1-583, Florida Expense Supplement Calculation of Company Loss Cost Multiplier, and other forms used in the rate filing process.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.
LAW IMPLEMENTED: 624.307(1), 624.418(2), 624.4211, 624.424, 624.604, 624.605, 627.021, 627.062, 627.062(2), 627.0645, 627.065, 627.0651, 627.221, 627.301, 627.331 FS.

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

TIME AND DATE: 9:30 a.m., July 26, 2005
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: Frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I RATE FILING PROCEDURES

69O-170.005 Use of Filed Rates.

(1) This rule applies to all property and casualty insurance to which ~~s. Section 627.062 or 627.0651~~, F.S., applies.

~~(a) Section 627.062, F.S., applies to property, casualty and surety insurance on subjects of insurance resident, located, or to be performed in Florida.~~

~~(b) Section 627.062 does not apply to the following:~~

~~1. Reinsurance, except joint reinsurance as provided in Section 627.311, F.S.~~

~~2. Insurance against loss of or damage to aircraft, their hulls, accessories, or equipment.~~

~~3. Liability arising out of the ownership, maintenance, or use of aircraft, other than workers' compensation and employer's liability.~~

~~4. Insurance of vessels or craft, their cargoes, marine builders' risks, marine protection and indemnity, or other risks commonly insured under ocean marine coverages.~~

~~5. Surplus lines insurance placed under the provisions of Sections 626.913-626.937, F.S.~~

~~6. Health insurance.~~

(2) Any Each insurer making a rate filing made with the Office pursuant to Section 627.062, F.S., for all applicable classes, ~~shall~~ may elect ~~whether to file rates are filed~~ as "file and use" or "use and file." as defined in ss. 627.062(2) or 627.0651(1), F.S.

(a) "File and use" is defined as a rate filing made at least 60 days before the proposed effective date and which filing is not implemented during the Office's review of the filing and any proceeding or judicial review.

(b) "Use and file" is defined as rate filing made less than 60 days before the proposed effective date or no later than 30 days after the effective date.

(3) The filing of rates as ~~required in Section 627.062(2)(a)1. and 2., F.S.,~~ requires that specific rates be filed and precludes the filing of ranges of rates.

(4) All rate filings shall be submitted pursuant to Rule 69O-170.013, F.A.C. Each insurer making rate filings pursuant to Section 627.062 F.S., shall state in a cover letter or filing memorandum whether the filing is submitted as "file and use" or "use and file."

~~(5) If "file and Use" is selected, the insurer shall include, as part of the filing, the proposed effective date for new and renewal business.~~

(5)(6) For If "use and file" filings, any filing which is not made within the timelines provided by statute, e.g., the filing is received by the Office more than 30 days after the effective date, shall result in the Office's issuance of a Notice of Intent to

disapprove is selected, the insurer shall include, as part of the filing, final printed manual pages and effective dates for new and renewal business.

(6)(a) Changing the filing designation during the review of the filing from "file and use" to "use and file" or from "use and file" to "file and use", shall constitute a withdrawal of the filing and require a timely resubmission under the revised filing type as a new filing.

(b) Notwithstanding the above and with the approval of the Office, the effective date for a "file and use" filing may be amended to be shorter than the 90 or 60 days indicated in Section 627.062 or 627.0651, F.S., as long as the amended effective date is subsequent to the approval of the Office and provides the required statutory policyholder notice.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.062, 627.0651 FS., History—New 10-21-87, Formerly 4-72.005, Amended 1-27-92, Formerly 4-170.005, Amended _____.

69O-170.006 Rate Manual Filings and Revisions.

(1) All companies authorized to write property, casualty, surety and private passenger automobile lines of insurance excluding worker's compensation, who have filings in force in the State of Florida, shall provide the Department of Insurance with a complete manual, for each applicable line which such insurer is authorized to write, concurrent with the insurer's next base rate filing made on or after March 1, 1989, or if no rate filing is made, no later than January 1, 1990. Each manual filed with the Department shall include all currently applicable rates, rules, definitions and symbol pages. In addition, private passenger automobile and homeowners manuals shall include all currently applicable underwriting rules. Each manual page shall reflect the Department stamp, or the insurer shall submit a letter signed by an officer certifying that the manual pages being submitting represent all pages which are current and on file with the Department. Each manual shall be supplied in paper form in a binder.

~~(1)(2) Thereafter,~~ Each insurer shall submit revised manual pages and a checklist page or manual revision notice specifying the rule of application, effective date and the page number of:

(a) through (d) No change.

~~(2)(3) In order to enable the Office to maintain complete and up-to-date rate manuals,~~ the following shall be included on each manual page:

(a) ~~Insurer Company~~ Name(s);

(b) Line of Business and Program Name (if applicable);

(c) Page Number (each page should have a unique number); and

(d) Revision Date or other Date connected with the filing, e.g., filing date, effective date, editing date, etc. (specify the type of date used).

~~(3)(4)(a) Insurers Companies shall include a separate cover letter and manual for each line of business, as designated in paragraph (c)(d) below, and by program within each line.~~

For every filing submit three copies of each manual page for each company. If the initial submission, as required by subsection (1), is not a filing but a complete unchanged manual, submit one copy of each manual for each company. These manuals shall be supplied in paper form.

(b) All filings and manual pages shall be filed on 8 1/2" by 11" paper or smaller.

(b)(e) Except for private passenger automobile insurance, homeowners and dwelling fire and liability, insurers authorized by a rating organization to utilize the rating organization's loss costs and rules, after those loss costs and rules have been approved for use by the Office, need only file the loss cost multiplier to be used with those loss costs companies that utilize rates and rules from a rating organization such as Insurance Services Office and Surety Association of America, etc., need only to file the rates, rules, deviations or effective dates, which are the exceptions to those filed on behalf of the company by the rating organization.

(c)(d) For purposes of identifying filings submitted to the Office, a line of business shall be identified by one of the following. Additional identification may be used as needed. Filings for types of insurance not on this list should contain appropriate identification.

- 1. through 9. No change.
- 10. Other General Liability (including Excess and Umbrella Coverage).
- 11. No change.
- 12. Mobile Homeowners.
- 13. through 17. No change.
- 18. Dwelling Fire and Liability.

(d)(e) Insurers Companies that submit filings on a group basis may submit manual pages on a group basis, provided each manual page identifies the insurers companies to which it is applicable.

(5) If available on microfilm, manuals shall also be supplied in this form with a computer tape index. This is in addition to the paper manuals required above. The specifications for microfilm and computer tape are as follows:

Microfilm Specifications

- (a) 1. Reduction Ratio: 24:1 through 40:1
- 2. Indexing: 1 level

Each document receives an image mark, all image marks are same size either small or medium, for example: 2 level.

Each key document (i.e., first page of each rate section) receives a medium sized image mark. Each attachment receives a small image mark.

3. Film: 16 mm silver based (Ester base) microfilm—100 ft. 2.5 mil Kodak 100 ft., 1460 Ester base, or—215 ft. 5.0 mil Kodak 215 ft., 3460 Ester base.

Note: Thin base (215 ft.) film is preferred.

4. Film must be processed and stored in industry standard (ANSI cartridge) return reel.

Kodak solid flange return reel, cat. # 144 2193

- No Leader
- No Trailer
- No Cartridge Film
- Each Roll Must Have a Trail Holder

Data Tape Specifications

(b) 1. Input Tape

- a. 1600 Bpi
- b. 9 Track, 600-2400 foot lengths
- c. ASCII or EBCDIC
- d. Fixed length fields (identify field size & starting point)
- e. Fixed length records (identify record size)
- f. Fixed length blocks (identify block size & number of blocks) (maximum block size 4,000 bytes)
- g. Labels allowed if verification positions are identified
- h. Must identify if label exists
- i. No stacked files
- j. Additional data fields may reside on tape but each field must have a beginning and ending point.

2. Fields Required

- a. State insurance identification # Company code
- b. Form numbers
- c. Line of business code (supply code)
- d. File date
- e. New date—renew date
- f. Form _ Rate _ Both _

(4)(6)(a) All private passenger automobile and homeowners insurance underwriting guidelines, for both new and renewal business, are subject to filing requirements.

(b) For filings involving base rate adjustments other than private passenger automobile and homeowners, insurers shall describe in sufficient detail in writing all changes to the underwriting guidelines since the inception of the submitted experience period in order that the Office may ascertain the actuarial impact upon proposed rates pursuant to Section 627.062, F.S.

(c) For the purpose of paragraph (4)(6)(b),:

1. Underwriting guidelines shall mean qualitative standards affecting the eligibility of risks for insurance, but do not include procedures for determining eligibility (such as delegations of binding authority).

2. Qualitative standards shall mean standards affecting the quality of risk such as loss history, credit scoring, acceptable number of claims or claim frequencies, required loss control, or violation points or prior accidents in the case of motor vehicles; and does not include quantitative standards that relate to the size of risks (such as square footage, number of vehicles, or gross receipts) or standards that relate to the amount of coverage that will be provided paragraphs (6)(b) and (6)(c) do not require the descriptions of such underwriting guidelines which were effectuated prior to the end of the experience

period preceding the effective date of this rule. Furthermore, paragraphs (6)(b) and (6)(c) shall not be construed to require the filing of underwriting guidelines. The provisions of this paragraph shall not affect the ability of the Office to request guidelines or filings of such guidelines where otherwise allowed by law.

Specific Authority 624.308(1) FS. Law Implemented 624.307(4), 627.062(2), 627.331 FS. History—New 3-1-89, Formerly 4-72.006, 4-170.006, Amended _____.

690-170.007 Annual Rate Filings.

(1)(a) This rule applies to each insurer or rating organization subject to s. 627.0645, F.S. or duly authorized rating organization filing rates for, any line of property and/or casualty insurance to which Part I of Chapter 627, F.S., applies, as set forth in Section 627.021, F.S., and as defined in Sections 624.604 and 624.605, F.S., ~~except workers' compensation and employer's liability insurance, and commercial property and casualty insurance, as defined in Section 627.0625(1), F.S., other than commercial multiple line and commercial motor vehicle.~~

(b)1. Commercial Multiple Line insurance, for purposes of this rule, is defined as insurance that includes a combination of one or more property lines of insurance, e.g., fire and allied lines, and one or more casualty lines of insurance, e.g., general liability, burglary and theft.

2. Commercial Multiple Line insurance shall be interpreted as being the same as Commercial Multiple Peril insurance.

3. Commercial Multiple Line insurance or Commercial Multiple Peril insurance which is written on an indivisible premium basis is subject to this rule.

4. Divisible premium Commercial Multiple Peril policies shall not be subject to this rule.

(c) A base rate filing considers the overall rate level and individual components of a line or subline being reviewed, although all are not necessarily revised in a base rate filing. A base rate filing may include, for example but is not limited to, a package modification factor.

(d) For purposes of identifying filings submitted to the Office Department, a line of business shall be identified by one of the following, although additional identification may be used as needed:-

1. Commercial Automobile; ~~Commercial Motor Vehicle~~
2. Commercial Multiple Peril Policy Line Packages (with indivisible premium);
3. Dwelling Fire and Liability;
4. Homeowners;
5. Mobile Homeowners;
6. Motor Home and Motorcycle;
7. Personal Inland Marine;
8. Personal Liability; and Personal Umbrella
9. Private Passenger Automobile.

(b) This rule does not apply to risk retention groups as defined in Sections 627.943-944, F.S.; professional liability self-insurance trust funds as defined in Section 627.356, F.S.; medical malpractice self-insurance trust funds as defined in Section 627.357, F.S.; or commercial self-insurance trust funds as defined in Section 624.462, F.S.

(2) Each ~~such~~ insurer or each ~~such~~ rating organization filing rates for ~~on behalf of~~ one or more insurers shall make annual base rate filings with the Office department for each line or subline of insurance no later than 12 months after its previous certification or base rate filing effective date for new business.

(a) ~~In all cases, the new business effective date or dates as supplied to and as approved by the Office will be the applicable current effective date or dates.~~

(b) ~~All annual base rate filings are to be received by the Office no later than 12 months after the current effective date of the last base rate or certification filing. A filing will be considered received by the Office if it is physically in the possession of Insurance Regulation personnel at Tallahassee, Florida 32314-5320.~~

(3)(a) Filings shall be submitted in accordance with the requirements of this rule, ~~and, for~~

1. Filings submitted in accordance with paragraph subsections (4)(a) and (4)(b), below, shall demonstrate that the rates filed are not excessive, inadequate, or unfairly discriminatory, ~~and for~~

2. Filings submitted in accordance with paragraph subsection (4)(b) (4)(e), below, shall demonstrate that the rates filings are actuarially sound and not inadequate.

(b)1. The filings required by this rule shall be on an individual insurer company-basis unless the rates for insurers companies within a group are derived from the pooled experience of those insurers companies.

2. If the rates for more than one insurer company within a group are derived from pooled experience, then the filing may be made on a multiple insurer company basis but the cover letter for the filing shall explicitly state what the rates are and what insurers companies are included in the group. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group, provided the effective dates are identical for every insurer and program identified in the filing.

(c)1. The insurer shall submit all filings to the Office at <https://iportal.fldfs.com>, the industry portal to the Office's I-File System, as adopted in Rule 690-170.0155, F.A.C. affix the bar code labels to the upper right hand corner of the required forms, and shall submit the forms to the Department at the following address: Office of Insurance Regulation, Post Office Box 5320, Tallahassee, Florida 32314-5320. Questions concerning bar code labels shall be directed to the Bureau of Data Control at (850)922-3149, ext. 2626. For additional bar code labels, the insurer shall submit a written request, which shall include the company's most current FEIN number, and

which shall be accompanied by payment in the amount of \$30 per company, to the Bureau of Data Control at the post office box indicated above.

2. A filing shall be considered received by the Office on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the next business day.

(d) ~~Group Filings. For group filings, the insurer shall affix a bar code label for each company to the form. If the form is not large enough for all the bar code labels for the companies involved, the insurer shall use the back of the transmittal form. Original transmittal forms with bar codes may be copied for use with future filings. The insurer is encouraged to keep the original bar code transmittal form for future copying and mail only the copies. Companies shall submit only three copies of a group filing, provided the information for each company is identical. Three copies of each filing for each company in the group are not required when the information is identical.~~

(4) The filing required by this rule shall be satisfied by either (a) or (b) below, ~~one of the following methods:~~

(a) ~~A new or revised base rate filing prepared by or under the direct supervision of and signed by an actuary. The filing shall be signed by the actuary and shall which contains documentation demonstrating that the proposed rates are not excessive, inadequate, or unfairly discriminatory, and be submitted pursuant to the applicable rating laws and in compliance with Rule 69O-170.013, F.A.C. For purposes of this rule, "actuary" means an individual who is a member of the Casualty Actuarial Society.~~

(b) ~~By having new or revised base rate filings prepared and signed by the company ratemaker or by consultants, either of which shall have a minimum of 5 years' experience in insurance ratemaking and by complying with Rule 69O-170.013, F.A.C.~~

~~(b)1.(e) If no rate change is proposed, a filing which consists of a certification by an actuary or by an experienced company ratemaker or by a consultant that the existing base rate level produces rates which are actuarially sound and which are not inadequate, as defined in Section 627.062 or Section 627.0651, F.S., whichever is applicable.~~

2. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 69O-170.0155, F.A.C.

3. Form OIR-B1-586, "Florida Property and Casualty - Annual Rate Filings Certification," ~~as rev. 10/92, which is hereby adopted in Rule 69O-170.0155, F.A.C., and incorporated by reference shall be completed in triplicate, including a properly affixed bar code, and accompanied by a stamped self-addressed envelope.~~

4. The data shall be on a direct basis. ~~Identify whether the loss data includes LAE and/or IBNR. Certification of an existing rate level does not preclude making a base rate filing during the following 12 months.~~

(c) ~~If an insurer does not employ or otherwise retain the services of an actuary, as defined by Section 627.0645(8), F.S., the filing under paragraph (a) or (b) above shall:~~

1. Be prepared by a person meeting the requirements of Section 627.0645(5), F.S., herein referred to as a qualified ratemaker.

2. Be reviewed and signed by an employee of the insurer who is authorized to approve rate filings.

3. Include detailed information on the preparer's experience to demonstrate compliance with Section 627.0645(5), F.S.

4. Include a certification of an officer of the insurer that the insurer does not employ or otherwise retain the services of an actuary.

5. If the submission does not contain the material required by this paragraph (c), it will result in the Office's issuance of a Notice of Intent to disapprove.

~~(d) By being a member or subscriber of a licensed rating organization to which the insurer has given rate filing authorization and which complies with the requirements of Section 627.0645, F.S. Deviations filed by an authorized insurer to any rating organization's base rate filing shall not be subject to this rule.~~

~~(d)1.(e) For purposes of this rule, a prospective loss cost filing, using the most recently approved loss costs, submitted to the Office by a duly authorized rating organization, may be considered as part of a base rate filing.~~

2. The factors for converting loss costs to rates shall be filed by the submitting insurer and approved by the Office.

3. All deviations from a rating or advisory organization's loss costs are to be certified or adequately supported.

4. An insurer may choose either:
a. To file and distribute final rate pages; or
b. To file or reference loss cost pages filed and distributed by a rating organization; or

c. To file loss cost pages distributed by an advisory organization plus the insurer's company's factors used to convert the prospective loss costs to rates.

5. An insurer shall use Form OIR-B1-583, "Florida Expense Supplement Calculation of Insurer Loss Cost Multiplier," as adopted in Rule 69O-170.0155, F.A.C., the following form, which is hereby adopted and incorporated by reference, in filing the factors to convert a rating or advisory organization's prospective loss costs to rates and shall comply with Rule 69O-170.013, F.A.C.: ~~Form OIR583, "Florida Expense Supplement Calculation of Company Loss Cost Multiplier," rev. 10/92.~~

(f) ~~An insurer must be authorized by a rating or advisory organization to use its loss costs before it bases its rates on the rating or advisory organizations' loss costs. When a rating organization converts from rates to loss costs for a particular line of business, the rating organization will cease filing rates~~

on behalf of authorized insurers. When this happens, the insurer may have an annual base rate filing requirement for each line of business defined in this rule and these annual base rate filings shall be received by the Office no later than 12 months after the current effective date of the insurer's or rating organization's last base rate filing. Insurers shall keep in contact with their rating or advisory organizations and with the Office to determine when their annual filing requirement begins.

(e)1.(e) A request for exemption pursuant to s. 627.0645(2)(b), F.S., shall include Form OIR-B1-584, "Florida Property and Casualty – Annual Rate Filing-Exemption," as adopted in Rule 69O-170.0155, F.A.C. and shall be submitted through <https://iportal.flds.com>. After receiving a request to be exempt from the requirements of this rule, the Office shall, for good cause due to insignificant numbers of policies in force or to an insignificant premium volume, exempt a company, by line of coverage. A company shall submit in triplicate, including a properly affixed bar code, accompanied by a stamped, self-addressed envelope an exemption request on Form OIR-584, "Florida Property and Casualty – Annual Rate Filing Exemption," rev. 10/92, which is hereby adopted and incorporated by reference.

2. The exemption shall remain in effect for as long as there is not an increase in premium volume.

(h) All forms adopted in this rule may be obtained from the Bureau of Property/Casualty Forms & Rates, Post Office Box 5320, Tallahassee, FL 32314-5320, and may be reproduced at will. All filings shall be sent to the Bureau of Property/Casualty Forms & Rates, Division of Insurer Services, Office of Insurance Regulation, Post Office Box 5320, Tallahassee, Florida 32314-5320.

(5) A request for extension meeting the conditions of Section 627.0645(6), F.S., if a filing is still being prepared on the date it is required to be filed, the insurer may apply to the Office in writing for an extension of up to an additional 30 days in which to submit the filing. The request for an extension shall be received by the Office no later than 5:00 PM on the date the filing is due. The request for extension will be approved automatically upon receipt.

(6) Nothing in this rule shall limit the Office's authority to review rates at any time or to find that a rate or rate change is excessive, inadequate, or unfairly discriminatory pursuant to Section 627.062 or Section 627.0651, F.S.

(7) In addition to the provisions regarding discontinuance of use of a policy policies form in Section 627.0645(1)(h) F.S., the Office is authorized to suspend or revoke an insurer's certificate pursuant to Section 624.418, F.S., or to impose a fine pursuant to Section 624.4211, F.S., for failure to comply with this rule.

(8) Each filing shall include a completed Form OIR-1436 (rev. 2/98), Annual Rate Filing Form, which is hereby adopted and incorporated by reference, and is available from the address in paragraph (4)(h).

Specific Authority 624.308, 624.424(1)(c) FS. Law Implemented 624.307(1), 624.418(2), 624.4211, 624.424(1)(c), 627.021, 627.062, 627.0645, 627.0651, 627.221, 627.301 FS. History—New 12-25-90, Formerly 4-72.007, Amended 1-27-92, 3-9-93, 9-7-93, 12-17-00, Formerly 4-170.009, Amended _____.

69O-170.013 Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms.

(1)(a) The procedures in this rule apply to all insurance rate, rule, underwriting guidelines or form filings for property and casualty insurance as defined in ss. Sections 624.604, 624.605, 634.011(8), 634.301(4), 634.401(14), 642.015(3)(5), 648.25(1), 635.011(1), and 627.826(1), F.S.

(b) Underwriting guidelines for private passenger automobile, homeowners' and mobile homeowners' insurance, for both new and renewal business, shall be filed pursuant to this rule.

(2)(a) A "rate filing" contains all the information submitted in the filing made by the insurer, plus any supplemental information received during the course of the Office's review, for all purposes of the filing made under Section 627.062(2)(a) or 627.0651, F.S., and shall be the sole basis for determination of final agency action.

(b) Any information provided subsequent to the Office's issuance of a notice of intent to disapprove pursuant to Section 627.062 or 627.0651, F.S., will be a new filing subject to the filing requirements of this rule chapter and applicable statutes. The procedures in this rule supersede any other procedures relating to filing procedures and actuarial memoranda. All material submitted shall be legible.

(3) Filing Submittal Requirements.

(a) Complete rate, rule, underwriting guidelines for both new and renewal business, and form filings shall be submitted with the following information:

1. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 69O-170.0155, F.A.C.

2. Cover letter that shall include, at a minimum,; and

a. The purpose of the filing;

b. For rate and rule filings, an identification as to whether the filing is made under "file and use" or "use and file", including the proposed effective date of the rates or the date the rates were implemented;

c. If this is a resubmission of a previous file, a brief explanation of the prior filing, including reference to the corresponding Florida filing log number shall be provided;

d. For a rate filing for which a form is also being filed, identification of the corresponding filing log number for the form or when the form will be submitted; and

3. Explanatory memorandum which shall:-

a. Explain the organization of the components of the filing;

b. Identify and highlight the changes from the current situation;

c. Include any explanation required by Rule 690-170.006, F.A.C.;

d. If there is no rate effect, a detailed explanation of how it was so determined or why it is believed that there is no rate effect.

4. For filings with a rate effect, an actuarial opinion and supporting memorandum prepared pursuant to Rule 690-170.0135, F.A.C.

5. Filing procedures and content required for specific lines of business as delineated in the following rules:

a. Rule 690-170.014, F.A.C., (Homeowners and Mobile Homes);

b. Rule 690-175.003, F.A.C., (Private Passenger Auto);

c. Rule 690-170.0141, F.A.C., (Dwelling);

d. Rule 690-170.0142, F.A.C., (Commercial Residential/All Other Property & Casualty);

e. Rule 690-170.0143, F.A.C. (Professional Liability for Medical Malpractice); and

6. Manual pages formatted in compliance with subsection 690-170.006(2), F.A.C. Subsequent to the initial filing, the insurer may defer submitting final amended manual pages until the Office concludes its analysis. Final approval will not occur until final manual pages have been submitted.

(b) All filings shall:

1. Be submitted in the above order with the Universal Standardized Data Letter serving as a cover sheet;

1.2. Be separated into either rate/rule only or form only filings; and

2.3. Be separated by line of business in accordance with Rule 690-170.006, F.A.C.

(c) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group, provided the effective dates are identical for every insurer and the program is identified in the filing the information submitted in the filing is identical for every insurer identified in the filing and.

(4) An insurer may file for approval of a rate change that incorporates the prospective application of uniform rate changes over a period not to exceed one year from the effective date of the rates, i.e., a 1% monthly rate change in lieu of a 12.7% base rate change on the effective date. If a company elects to utilize this option, it shall update the rates on the Rate Collection System (RCS) as the rates change, but it is not necessary to update the RCS more frequently than quarterly. The RCS update filing shall be made as a "rule" filing and shall not require additional supporting documentation other than reference to the file log number where the prospective rate change was approved and a clear statement of the purpose of the filing. The following rules also apply to the specific rate/rule filing procedures:

(a) Rule 690-170.014, F.A.C., (Homeowners);

(b) Rule 690-175.003, F.A.C., (Private Passenger Auto);

(c) Rule 690-170.0141, F.A.C., (Dwelling);

(d) Rule 690-170.0142, F.A.C., (Commercial Residential/All Other Property & Casualty);

(5)(a) In lieu of an experience based filing, an insurer may make a streamlined filing that is within the following parameters (applied at the coverage level or policy type). This provision is not applicable to medical malpractice, workers' compensation insurance coverages, or rating organizations; The Office maintains voluntary checklists for insurers' information in properly complying with relevant statutes and rules. The completion of checklists does not preclude the Office from requiring additional information or further explanation of data. Filing checklists are for insurer information only.

1. The total rate change, including this proposed and previous filings with effective dates within the 12 months ending on the effective date of this proposed filing, is within +/-5%, and;

2. The annual rate change to any individual insured, including this proposed and previous filings with effective dates within the 12 months ending on the effective date of this proposed filing is within +/-10%.

(b)1. This provision may be used no more frequently than for two consecutive years at which time the next filing shall be a fully justified experience based filing;

2. The filing shall include an actuarial opinion that the rates meet the standards of subsection 690-170.0135(1), F.A.C., and an exhibit of the premiums, losses and loss ratios for the experience period and the period during which the proposed rates are anticipated to be in effect; and

3. The on-line RCS shall be completed.

(c) The filing shall be exempt from:

1. The completion of the on-line experience data collection;

2. Filing a supporting actuarial memorandum; and

3. Filing an experience based justification.

(6)(a) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.

(b) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

(c) Subsequent to July 1, 2003, All filings shall be submitted electronically to <https://portal.fldfs.com>, the industry portal to the Office's I-File System, as adopted in Rule 690-170.0155, F.A.C. or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended

due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

(b) A filing shall be considered received by the Office on business days between the hours of 8:00 a.m. and 5:00 p.m. eastern time. Filings received after 5:00 p.m. shall be considered to be received the next business day.

(7)(a) A rate filing shall contain documentation demonstrating that the proposed rates meet the standards and conditions of s. 627.062 or 627.0651, F.S., as applicable.

(b) It is the responsibility of the insurer to ensure that the filing contains all the information and documentation the insurer wants considered that supports the rate requested.

(c) A rate filing shall contain information and documentation sufficient for an actuary practicing in the same field to evaluate the work.

(d) Any submission that does not contain the information and documentation required by subsection (3) above, or for which required filing forms have not been completed in their entirety, will result in the Office's issuance of a Notice of Intent to disapprove.

(8)(a) The Office may request additional information or clarification to evaluate the filing for compliance with applicable statutory provisions.

(b) To allow the Office sufficient time to perform a proper review, the insurer shall submit by a date certain stated in a clarification letter any required additional information, explanation of data, or justification of assumptions.

(c) Unless the date is extended by the Office, failure to adequately address the issues by the date stated in the clarification letter may result in a notice of intent to disapprove the filing by the Office.

Specific Authority 624.308, 624.424(1)(c) FS. Law Implemented 624.307(+), 624.424(1)(c), 624.604, 624.605, 627.062, 627.0645, 627.0651 FS. History--New 3-30-92, Amended 3-9-93, 8-23-93, 10-3-94, 8-3-95, 10-2-96, 6-19-03, Formerly 4-170.013, Amended _____.

69O-170.0135 Actuarial Memorandum.

(1)(a) An actuarial opinion and memorandum supporting the opinion shall state that the rates are not excessive, inadequate, or unfairly discriminatory and comply with the laws of this state.

(b) If the opinion cannot be given, a complete explanation of the reason or qualifications shall be provided.

(c) If the opinion and memorandum are prepared by a different individual from the person who prepared the prior filing, an explanation of the reason for this change shall be provided.

(2)(a) The memorandum, along with any required online data and rate submission material, shall support and document the basis of the opinion.

(b) It is not necessary to repeat, within the memorandum, any data that has been submitted through the online collection system; however, the memorandum shall so indicate and shall provide any necessary explanation.

(c) If an insurer, in addition to the completion of the required rate indications component of the I-File System, chooses to develop the proposed rates by using data or a method that is different from that which underlies the rate indications component of the I-File System, the memorandum shall contain detailed documentation and development of the method, assumptions and proposed rates, detailed documentation that the method is consistent with generally accepted and reasonable actuarial techniques, and that the resulting rates are not excessive, inadequate or unfairly discriminatory. The insurer may also provide any explanation for the Office to consider in the review of the filing pursuant to Section 627.062 or 627.0651, F.S., as to why it believes that the methodology or technique used in the filing is more appropriate for the filing than the methodology or technique used in the I-File System indications. The use of different data or method does not create a presumption of the appropriateness or inappropriateness of either method.

(d) The memorandum shall be such that an actuary qualified in the same practice area in which the filing is made could evaluate the reasonableness of the work.

(e) Each of the following items that are pertinent to the filing shall be identified and discussed:

1. The source and description of the experience data used, including homogeneity and reasonableness of the data used as a statistical basis to measure the expected claim costs over the rating period;

2. Verification that the data used does not include punitive damage awards;

3. Operational issues, including changes in underwriting guidelines as indicated in paragraph 69O-170.006(4)(b), F.A.C., and other influences on the experience data that will impact the expected experience during the rating period, including large non-recurring claims and loss experience pertaining to actual catastrophic events, how these compare to expected, and how they are incorporated into the rate development;

4. Premium and loss trends;

5. Basis of the credibility standard for complementing the experience data, along with support for the selection of that standard whenever the standard has changed from the previous filing;

6. Average statewide rate change, and an exhibit showing the ranges of impact on policyholders of the changes proposed in the current filing and the factors affecting the range of impact;

7. The effect of reinsurance or any other method of smoothing claim volatility and how it was included in the rate development;

8. Expense experience and anticipated expense needs for the rating period;

9. Analysis of investment income and return on surplus and how it was included in the rate analysis, including demonstration of compliance with the provisions of Rule 69O-170.003 or 69O-175.001, F.A.C.;

10. Disclosure and explanation of the basis of judgment made on assumptions or resulting rates; and

11. The expense factors in each rate filing, which shall be divided into the following categories:

a. Commissions and brokerage;

b. Other acquisition expenses;

c. General expenses;

d. Premium taxes;

e. Miscellaneous licenses and fees;

f. Profit and contingencies;

g. Reinsurance costs; and

h. Other expenses.

(3) Standards.

(a) Premium on-leveling methodology and calculations shall be clearly documented. An overall rate level history for the pertinent past shall be provided. Insurers not using this history in their calculations shall fully describe the method used. The insurer shall provide the policy term distribution, e.g., what percentage of the policies have been annual policies versus six-month policies.

(b) If a model accepted by the Florida Commission on Hurricane Loss Projection Methodology is used, it shall be the current version of the model, however, the immediate prior version of the model accepted by the Commission of the model may be used if the filing is submitted no more than three months after the date the current version is accepted by the Commission.

(c) The use of contingent commissions as supporting data for rate changes is prohibited unless:

1. There is a contractual arrangement between the insurer and its agents concerning the payment of contingent commissions; and

2. The insurer demonstrates that it is not paying contingent commissions from profits higher than anticipated in its filings.

(d) The ultimate incurred losses shall be based on best estimate assumptions, i.e., the assumptions the actuary expects to be realized over the period for which the rates are anticipated to be in effect.

Specific Authority 624.308(1) FS. Law Implemented 624.307, 627.062, 627.0651 FS. History—New _____.

69O-170.014 Homeowners Insurance Ratemaking and Rate Filing Procedures.

(1)(a) This rule shall apply to all homeowners insurance rates filed pursuant to s. Section 627.062, F.S.

(b) For purposes of this rule, reference to homeowners insurance shall include mobile homeowners insurance written on homeowners type policies and mobile homeowners insurance written on auto physical damage type policies.

(c) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 69O-170.013(3), F.A.C.

(2) ~~Homeowners and Mobile Homeowners~~ Filing Submittal Requirements:

~~(a) Complete rate, rule, rate/rule and underwriting guidelines shall be submitted with the following information:~~

~~1. Form OIR B1 582, "Universal Standardized Data Letter," as adopted in Rule 69O-170.015, F.A.C.;~~

~~2. Cover letter; and~~

~~3. Explanatory memorandum.~~

~~(a)(b)1. Each insurer writing homeowners insurance, including mobile homeowners insurance written on homeowners type policies and mobile homeowners insurance written on auto physical damage type policies, in Florida shall file electronically the information with the Office such information as required by the Office by the I-File System and the Homeowners' Rate Collection System (HRCS) as adopted in Rule 69O-170.0155, F.A.C., at <https://iportal.fldfs.com> using the computer software provided to insurers by the Office.~~

~~(b) Required supporting documentation referenced in the I-File System and HRCS shall be provided.~~

~~(c) Accurate entry of information into the rate indications workbook component of the I-File System will result in an aggregate average statewide rate indication. The accuracy and integrity of the information provided shall be the responsibility of the insurer.~~

~~2. Insurers may electronically submit their rating data by completing their filing on line through the Office's Internet Filing System (IFS) and the Rate Collection System (RCS) at <https://iportal.fldfs.com> or by utilizing the Homeowners Rate Collection System (HRCS) software provided to insurers by the Office on its web site.~~

~~(e) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.~~

~~(d) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.~~

~~(e) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://iportal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(e), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

~~(f) All filings shall be separated by line of business in accordance with Rule 69O-170.006, F.A.C.~~

~~(g) All manual pages shall be formatted in compliance with subsection 690-170.006(3), F.A.C.~~

~~(3) Any submission which is not completed according to the above referenced instructions, or is missing any of the properly completed forms, including supporting documentation, shall not constitute a filing pursuant to Section 627.062, F.S., and shall be returned to the insurer as "incomplete".~~

~~(4) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group provided the information submitted in the filing is identical for every insurer identified in the filing.~~

~~(5)(a) The submission of data outlined on the homeowners and mobile homeowners checklist does not preclude the Office from requiring additional information or further explanation of data.~~

~~(b) The insurer shall submit any required additional information or further explanation of data by a date certain stated in a clarification letter, to allow the Office sufficient time to perform a proper review.~~

~~(c) Failure to correct the deficiencies by the date stated in the clarification letter will result in a notice of intent to disapprove the filing by the Office.~~

~~(3) The information identified in subsections (4) through (9) below is submitted within the I-File System and HRCS collection indicated in subparagraph (2)(a)1. above.~~

~~(4)(6)(a) Each rate filing shall contain either:~~

~~1. through 2. No change.~~

~~(b)1. No change.~~

~~2. This subsection shall not apply if:~~

~~a. A rate change is filed in response to law changes which relate to specific types of policies; or~~

~~b. A rate change is filed in response to specific factual developments or circumstances that are reasonably expected to affect only certain types of policies for which the changes are filed.~~

~~(5)(7)(a) Each rate filing which proposes changes to base rates as to any policy for which rates vary by territory shall contain either:~~

~~1. through 2. No change.~~

~~(b) No change.~~

~~(6)(8) The earned premiums and incurred losses included in the rate level indications shall be direct calendar/accident year or direct fiscal/accident year, Florida-only data. Any other data which the insurer believes to be pertinent to the filing may also be provided.~~

~~(9) The following forms, as adopted in Rule 690-170.015, F.A.C., are included in the Homeowners Rate Filing Collection Systems provided by the Office:~~

~~(a) Form OIR-B1-1102, "Florida Homeowners Rating Examples/Annual Rates";~~

~~(b) Form OIR-B1-1103, "Florida Statewide Rate Level Effect/Homeowners", with its instructions; and~~

~~(c) Form OIR-B1-1104, "Florida Rate Level Effect by Type by Territory/Homeowners", with its instructions.~~

~~(10) through (12) renumbered (7) through (9) No change.~~

~~Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645 FS. History—New 8-23-93, Amended 10-3-94, 10-2-96, 3-31-98, 1-25-99, 6-19-03, Formerly 4-170.014, Amended _____.~~

~~690-170.0141 Dwelling Insurance Ratemaking and Rate Filing Procedures.~~

~~(1)(a) This rule shall apply to all dwelling fire and extended coverage insurance rates filed pursuant to s. Section 627.062, F.S.~~

~~(b) For purposes of this rule, reference to dwelling fire insurance shall include mobile home dwelling insurance written on dwelling fire type policies.~~

~~(c) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 690-170.013(3), F.A.C.~~

~~(2) Dwelling Fire and Extended Coverage Insurance Filing Submittal Requirements:~~

~~(a) Complete rate, rule, rate/rule and underwriting guidelines shall be submitted with the following information:~~

~~1. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 690-170.015, F.A.C.;~~

~~2. Cover letter; and~~

~~3. Explanatory memorandum.~~

~~(a)(b)1. Each insurer writing dwelling fire and extended coverage in Florida shall file electronically with the Office such information as required by the Office by the I-File System and the Dwelling Rate Collection System (DRCS), as adopted in Rule 690-170.0155, F.A.C., at <https://portal.fldfs.com> using the computer software provided to insurers by the Office.~~

~~(b) Required supporting documentation referenced in the I-File System and DRCS shall be provided.~~

~~(c) Accurate entry of information into the rate indications workbook component of the I-File System will result in an aggregate average statewide rate indication. The accuracy and integrity of the information provided shall be the responsibility of the insurer.~~

~~2. Insurers may electronically submit their rating data by completing their filing on-line through the Office's Internet Filing System (IFS) and the Rate Collection System (RCS) at <https://portal.fldfs.com> or by utilizing the Dwelling Rate Collection System (DRCS) software provided to insurers by the Office on its web site.~~

~~(e) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.~~

~~(d) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.~~

~~(e) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://portal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

~~(f) All filings shall be separated by line of business in accordance with subsection 690-170.006, F.A.C.~~

~~(g) All manual pages shall be formatted in compliance with subsection 690-170.006(3), F.A.C.~~

~~(3) Any submission which is not completed according to the above referenced instructions, or is missing any of the properly completed forms, including supporting documentation, shall not constitute a filing pursuant to Section 627.062, F.S., and shall be returned to the insurer as "incomplete".~~

~~(4) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group provided the information submitted in the filing is identical for every insurer identified in the filing.~~

~~(5)(a) The submission of data outlined on dwelling fire and extended coverage checklists does not preclude the Office from requiring additional information or further explanation of data.~~

~~(b) The insurer shall submit the required additional information or further explanation of data by a date certain stated in a clarification letter, to allow the Office sufficient time to perform a proper review.~~

~~(c) Failure to correct the deficiencies by the date stated in the clarification letter will result in a notice of intent to disapprove the filing by the Office.~~

~~(3) The information identified in subsections (4) through (9) below is submitted within the I-File System and DRCS collection indicated in paragraph (2)(a) above.~~

~~(4)(6)(a) Each rate filing shall contain either:~~

~~1. through 2. No change.~~

~~(b)1. No change.~~

~~2. This subsection shall not apply if:~~

~~a. A rate change is filed in response to law changes which relate to specific types of policies; or~~

~~b. A rate change is filed in response to specific factual developments or circumstances that are reasonably expected to affect only certain types of policies for which the changes are filed.~~

~~(5)(7) No change.~~

~~(6)(8) The earned premiums and incurred losses included in the rate level indications shall be direct calendar/accident year or direct fiscal/accident year, Florida-only data. Any other data which the insurer believes to be pertinent to the filing may also be provided.~~

~~(9) The following forms, as adopted in Rule 690-170.015, F.A.C., are included in the Dwelling Rate Collection Systems provided by the Office:~~

~~(a) Form OIR-B1-1193, "Florida Dwelling Rating Examples/Annual Rates";~~

~~(b) Form OIR-B1-1194, "Florida Statewide Rate Level Effect/Dwelling", with its instructions; and~~

~~(c) Form OIR-B1-1195, "Florida Rate Level Effect by Type by Territory/Dwellings", with its instructions.~~

~~(10) through (12) renumbered (7) through (9) No change.~~

~~Specific Authority 624.308(1) FS. Law Implemented 624.307(+), 627.062 FS. History—New 10-2-96, Amended 3-31-98, 1-25-99, 6-19-03, Formerly 4-170.0141, Amended _____.~~

~~690-170.0142 Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines.~~

~~(1)(a) The procedures in this rule apply to all commercial residential insurance rates filed pursuant to Section 627.062, F.S., and all other lines of property and casualty insurance as defined in ss. Section 624.604 and 624.605, F.S., except that this rule does not apply to workers' compensation insurance as defined in Section 624.605(1)(c), Florida Statutes.~~

~~(b) This rule does not apply to medical malpractice coverage which is subject to Rule 690-170.0143, F.A.C. or workers' compensation insurance as defined in Section 624.605(1)(c), F.S.~~

~~(c)(b) No change.~~

~~(2) The filing submission requirements in this rule are in addition to the information required by subsection 690-170.013(3), F.A.C. and shall be included as a required component of the filing made pursuant to subsection 690-170.013(3), F.A.C.~~

~~(a) Complete rate, rule, underwriting guidelines, and form filings shall be submitted with the following information:~~

~~1. Form OIR-B1-582, "Universal Standardized Data Letter," as adopted in Rule 690-170.0155, F.A.C.~~

~~2. Cover letter; and~~

~~3. Explanatory memo.~~

~~(b) All filings shall:~~

~~1. Be submitted in the above order with the Universal Standardized Data Letter serving as a cover sheet;~~

~~2. Be separated into either rate/rule only or form only filings;~~

~~3. Be separated by line of business in accordance with Rule 690-170.006, F.A.C.; and~~

~~4. All manual pages shall be formatted in compliance with subsections 690-170.006(2),(3), F.A.C.~~

(e) Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group, provided the information submitted in the filing is identical for every insurer identified in the filing.

(3) Any submission which is not completed according to the above referenced instructions or is missing any of the properly completed forms, including supporting documentation, shall not constitute a filing pursuant to Section 627.062, F.S., and shall be returned to the insurer as "incomplete".

(4)(a) The submission of data outlined on the property and casualty commercial lines checklist does not preclude the Office from requiring additional information or further explanation of data.

(b) The insurer shall submit the required additional information or further explanation of data by a date certain stated in a clarification letter, to allow the Office sufficient time to perform a proper review.

(c) Failure to correct the deficiencies by the date stated in the clarification letter will result in a notice of intent to disapprove the filing by the Office.

(5)(a) All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.

(b) For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233-A, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

(c) Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://portal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.

(3)(6)(a) Each rate filing shall contain either:

1. through 2. No change.

(b)1. No change.

2. This subsection shall not apply if a rate change is filed in response to law changes which relate to specific types of policies or if a rate change is filed in response to specific factual developments or circumstances that are reasonably expected to affect only certain types of policies for which the changes are filed.

(4)(7)(a) If the filing adopts a rating organization's prospective loss costs, the filing shall include Form OIR-B1-583 (pages 1 and 2), "Florida Expense Supplement Calculation of Company Loss Cost Multiplier" as adopted in Rule 690-170.015, F.A.C.

(b) through (c) No change.

(d) The data shall identify whether the loss data includes LAE (Loss Adjustment Expense) and/or IBNR (Incurred But Not Reported).

(5)(8) No change.

(6)(a)(9) The earned premiums and incurred losses included in the rate level indications shall include Florida-only data.

(b) An insurer shall prepare separate indications for those policies on an occurrence basis and for those policies on a claims-made basis.

(c) The premium and loss data supporting a rate level indication for policies on an occurrence basis shall be stated on an accident year basis.

(d) The premium and loss data supporting a rate level indication for policies on a claims-made basis shall be stated on a report year basis be accident year, Florida only data. Any other data which the insurer believes to be pertinent to the filing may also be provided. The insurer shall provide the logical connection between such other data and the subject matter of the filing.

(10) through (11) renumbered (7) through (8) No change.

(12) Each insurer shall include in its rate filings:

(a) A separate exhibit listing that portion of the final rates/premium allocated to conflagration, hurricane, or other catastrophe hazards.

(b) An estimate of the total dollar amount allocated to such conflagration, hurricane, or other catastrophe hazards for the 12-month period beginning with the effective date of the applicable filing.

(c) A rate filing for residential property insurance shall be separated into 2 components, rates for:

1. Hurricane coverage; and
2. All other coverages.

(9)(13) No change.

Specific Authority 624.308(1) FS. Law Implemented 624.307(+), 627.062, 624.604, 624.605 FS. History—New 10-2-96, Formerly 4-170.0142, Amended _____.

690-170.0143 Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice.

(1)(a) This rule shall apply to all medical malpractice insurance rates filed pursuant to Section 627.062, F.S.

(b) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 690-170.013(3), F.A.C.

(c) For purposes of this rule, reference to liability insurance for medical malpractice shall include insurance on the following types of risks:

1. Hospitals licensed under Chapter 395, F.S.;
2. Physicians licensed under Chapter 458, F.S.;
3. Osteopathic physicians licensed under Chapter 459, F.S.;
4. Podiatric physicians licensed under Chapter 461, F.S.;
5. Dentists licensed under Chapter 466, F.S.;
6. Chiropractic physicians licensed under Chapter 460, F.S.;

7. Naturopaths licensed under Chapter 462, F.S.;
8. Nurses licensed under Chapter 464, F.S.;
9. Midwives licensed under Chapter 467, F.S.;
10. Clinical laboratories registered under Chapter 483, F.S.;
11. Physician assistants licensed under Chapters 458, F.S., or 459, F.S.;
12. Physical therapists and physical therapist assistants licensed under Chapter 486, F.S.;
13. Health maintenance organizations certificated under part I of Chapter 641, F.S.;
14. Ambulatory surgical centers licensed under Chapter 395, F.S.;
15. Other medical facilities as defined in subparagraph 627.351(4)(h)2., F.S.;
16. Individuals or facilities licensed under Chapter 400, F.S.:

- 17.a. Blood banks.
- b. Plasma centers.
- c. Industrial clinics, and
- d. Renal dialysis facilities;
- 18.a. Professional associations.
- b. Partnerships.
- c. Corporations.
- d. Joint ventures, or
- e. Other associations for professional activity by health care providers; or

19. Any other liability insurance covering errors or omissions which may result in bodily injury.

(2) All filings shall contain:

(a) Either Form OIR-B1-583 (pages 1 and 2) or Form OIR-B1-595 as adopted in Rule 69O-170.0155, F.A.C., as applicable.

(b)1. A list of each of the insurer's programs or types of policies within the Medical Malpractice line of business and whether each program or policy type is provided on an occurrence basis, a claim-made basis, or on both bases.

2. A statement by the insurer as to:

a. Whether each program or policy type is subject to the annual rate filing required under s. 627.062(7)(f), F.S.; and

b. Whether that annual rate filing is being made under the current rate filing or has been made under a prior submission.

3. A list of the insurer's programs or types of policies which are rated based on exposure units expressed in Physician Years.

(c) Adoption of Loss Costs Filed by a Rating Organization. A filing which adopts the prospective loss costs promulgated by a rating organization and approved for use by the Office shall include Form OIR-B1-583 (pages 1 and 2), "Florida Expense Supplement Calculation of Insurer Loss Cost Multiplier" as adopted in Rule 69O-170.0155, F.A.C.

(d) Rate Filings not involving the adoption of Loss Costs. Insurers shall provide the following:

1. Ratemaking Methodology:

a. The actuarial memorandum and the supporting exhibits define a standard ratemaking methodology. The proposed rates and/or rate changes should be the result of the ratemaking methodology operating on the insurer's data.

b. An insurer shall establish a standard ratemaking methodology and utilize it consistently over time. However, an insurer may elect to change its standard ratemaking methodology. If an insurer does so, it shall thoroughly document the reasons for the change.

2. Judgment: An insurer may employ its judgment and elect to depart from its ratemaking methodology. If an insurer does so, it shall thoroughly document the reasons for the departure from its standard ratemaking methodology.

3. Loss Data:

a. Programs or policy types written on an occurrence basis shall present the following loss data on an accident year basis:

(I) Direct losses paid to date on reported claims;

(II) Case basis estimates of unpaid direct losses on reported claims;

(III) The total number of reported claims.

b. Programs or policy types written on a claims-made basis shall present the following loss data on a report year basis:

(I) Direct losses paid to date on reported claims.

(II) Case basis estimates of unpaid direct losses on reported claims.

(III) The total number of reported claims.

4. Allocated Loss Adjustment Expense Data: An insurer may, at its option:

a. Include direct paid and unpaid allocated loss adjustment expenses with direct paid and unpaid losses and indicate that the data includes both direct losses and direct allocated loss adjustment expenses; or

b. Present direct paid and unpaid allocated loss adjustment expenses separately from direct paid and unpaid losses.

5. Actuarial Adjustments to Losses and Allocated Loss Adjustment Expenses. Filings shall consider the following adjustments to losses and allocated loss adjustment expenses:

a. Loss Development;

b. Adjustment for known changes in claim costs and claim frequency;

c. Adjustment for anticipated future changes in claim costs and/or claim frequency;

d. Unallocated Loss Adjustment Expenses.

6. Premium and Exposure Data:

a. Filings which utilize a Loss Ratio approach to ratemaking shall provide collected direct written premium and collected direct earned premium;

b. Filings which utilize a Pure Premium approach to ratemaking shall provide direct earned exposure measured in Physician Years:

c. An insurer may also utilize other direct earned exposure units the insurer believes will support its proposed rate change.

7. Actuarial Adjustments to Premium and Exposure Data:

a. Filings based on a Loss Ratio approach shall clearly demonstrate:

(I) How collected premium has been adjusted to the current rate level.

(II) That the losses utilized in the filing were generated by the earned premium considered in the filing.

b. Filings based on a Pure Premium approach shall clearly demonstrate:

(I) That base-equivalent exposures, if utilized, have been determined using the current rating plan.

(II) That the losses utilized in the filing were generated by the earned exposure utilized in the filing.

8. Expense (other than loss adjustment expenses) Data:

a. A rate filing, other than the adoption of loss costs, shall include Form OIR-B1-595, "Florida Expense Supplement for Independent Rate Filings" as adopted in Rule 69O-170.0155, F.A.C.

b. All expense data shall be presented on a direct basis:

(I) Commission/Brokerage expense ratios, Premium Tax ratios, and Other Tax ratios shall be determined as ratios to direct written premium.

(II) General Expense ratios and Other Acquisition Expense ratios shall be determined as ratios to direct earned premium.

9. Credibility: The filing shall contain a thorough explanation of how the concept of credibility, including the use of accident-year weights or report-year weights, has been incorporated into the filing.

(e)1. In addition to the direct ratemaking approach in subsection (5), an insurer may elect to include the costs of reinsurance in a rate filing.

2. Where the insurer elects to do so, the cost of reinsurance shall consider:

a. All reinsurance contracts related to the subject matter of the filing;

b. The amount to be paid to the reinsurer;

c. Ceding commissions to be paid to the insurer by the reinsurer;

d. Expected reinsurance recoveries; and

e. Other relevant information specifically relating to cost such as a retrospective profit sharing agreement between the insurer and the reinsurer.

(f) Actuarial Documentation Required.

1. The actuarial memorandum contained in the filing shall describe in detail how the proposed rates have been derived from the experience presented.

2. The filing shall also contain actuarial exhibits that provide the details of all the calculations involved. The exhibits shall provide adequate documentation and footnotes to facilitate a thorough review of the calculations by the Office.

Specific Authority 624.308(1) FS. Law Implemented 624.307, 627.062, 624.604, 624.605 FS. History—New _____.

(Substantial rewording of Rule 69O-170.0155 follows. See Florida Administrative Code for present text.)

69O-170.0155 Forms.

(1) The following forms are hereby adopted and incorporated by reference:

Form #	Title	Date
(a) OIR-B1-582	Universal Standardized Data Letter	10/04
(b) OIR-B1-583	Florida Expense Supplement Calculation of Insurer Loss Cost Multiplier	04/04
(c) OIR-B1-584	Florida Property and Casualty – Annual Rate Filing-Exemption	07/03
(d) OIR-B1-586	Florida Property and Casualty – Annual Rate Filings Certification	07/04
(e) OIR-B1-595	Florida Expense Supplement for Independent Rate Filings	07/03
(f) OIR-B1-HRCS	Homeowners' Rate Collection System (HRCS)	07/03
(g) OIR-B1-DRCS	Dwelling Rate Collection System (DRCS)	07/03
(h) OIR-B1-ARCS	Automobile Rate Collection System (ARCS)	07/03
(i) OIR-B1-RIWBK	Personal Lines Standardized Rate Indications Workbook	07/04
(j) OIR-B1-IFILE	I-File	11/04

(2) Forms are available and may be printed from the Office's web site: <https://www.fldfs.com>.

Specific Authority 624.308(1) FS. Law Implemented 624.307(H), 624.424, 627.062, 627.0645 FS. History—New 6-19-03, Formerly 4-170.0155, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004 and July 23, 2004

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Motor Vehicle Insurance Ratemaking and Rate Filing Procedures

RULE NO.: 69O-175.003

PURPOSE, EFFECT AND SUMMARY: Improve the quality of rate filings by providing specific detail of the components of a filing so as to minimize the Office's processing of incomplete filings; Delete outdated language and mandate electronic filing; and Update and adopt rate filing forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.424, 627.062, 627.0651 FS.

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

TIME AND DATE: 9:30 a.m., July 26, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: Frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-175.003 Motor Vehicle Insurance Ratemaking and Rate Filing Procedures.

(1)(a) This rule shall apply to all motor vehicle insurance rates filed pursuant to Sections 627.062 and 627.0651, F.S., except for provisions which are specifically limited to private passenger motor vehicle insurance rates.

(b) The information required by this rule shall be included as a required component of the filing made pursuant to subsection 690-170.013(3), F.A.C.

(c) Filings shall pertain only to the Private Passenger Automobile Insurance.

(2) ~~Motor Vehicle Insurance Rate Filing Submittal Requirements:-~~

(a) ~~Complete rate, rule, rate/rule and underwriting guidelines shall be submitted with the following:~~

1. ~~Form OIR-B1-582, "Universal Standardized Data Letter", as adopted in Rule 4-170.015, F.A.C.;~~

2. ~~Cover letter; and~~

3. ~~Explanatory memorandum.~~

(a)(b)1. Each insurer writing motor vehicle insurance in Florida shall file electronically with the Office such information as required by the Office:

2. Private passenger motor vehicle insurers may electronically submit their rating data by completing their filing on-line through the I-File Office's Internet Filing System

(IFS) and the Rate Collection System (RCS) at <https://portal.fldfs.com> or by utilizing the Automobile Rate Collection System (ARCS), as adopted in Rule 690-170.0155, F.A.C., at <https://www.iportal.fldfs.com> software provided to insurers by the Office on its web site.

2. Required supporting documentation referenced in the I-File System or ARCS shall be provided.

3. Accurate entry of information into the rate indications workbook component of the I-File System will result in an aggregate average statewide rate indication developed from such data. The accuracy and integrity of the information provided shall be the responsibility of the insurer.

(e) ~~All filings sent by U.S. Postal Service shall be addressed to: Property and Casualty Forms and Rates, Post Office Box 7700, Tallahassee, FL 32314-7700.~~

(d) ~~For delivery other than U.S. Postal Service or hand delivery, filings shall be addressed to: Bureau of Property and Casualty Forms and Rates, Room 233 A Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.~~

(e) ~~Subsequent to July 1, 2003, all filings shall be submitted electronically to <https://portal.fldfs.com> or by computer diskette meeting the compatibility requirements mandated by Section 624.424(1)(c), F.S. Deadlines for filing will not be extended due to shipping delays, format incompatibility, data corruption, or any other impediment which results from an election to file by diskette.~~

(f) ~~All filings shall be separated by line of business in accordance with Rule 4-170.006, F.A.C.~~

(g) ~~All manual pages shall be formatted in compliance with subsection 4-170.006(3), F.A.C.~~

(b)(h) ~~All filings shall identify by program the percentage of policies written on a 6 ~~six~~ month and annual policy term.~~

(i) ~~Any submission which is not completed according to the above referenced instructions or is missing any of the properly completed forms with supporting documentation shall not constitute a filing pursuant to Section 627.0651, F.S., and shall be returned to the insurer as "incomplete".~~

(3) ~~Group Filings. Insurers may submit a filing on behalf of any combination of insurers within the insurers' group provided the information submitted in the filing is identical for every insurer identified in the filing.~~

(4) ~~The submission of data outlined on the motor vehicle rate/rule checklists does not preclude the Office from requiring additional information or further explanation of data. The insurer shall submit the required additional information or further explanation of data by a date certain stated in the clarification letter, to allow the Office sufficient time to perform a proper review. Failure to correct the deficiencies by the date certain in the clarification letter will result in disapproval of the filing by the Office.~~

(3)(5) The following information shall be submitted within the I-File System and ARCS collection indicated in subparagraph (2)(a)1. above.

(a) Each rate filing which proposes changes to base rates shall contain separate rate level indications and support for such indications on a statewide basis for each type of motor vehicle coverage which the insurer writes in Florida. This provision shall apply to all rate filings regardless of whether a filing requests rate changes for one, more than one, or all coverages written. This subsection shall not apply if a rate change is filed in response to law changes which relate to specific types of coverage or if a rate change is filed in response to specific factual developments or circumstances that are reasonably expected to affect only certain types of coverage for which the changes are filed.

~~(b)(6)~~ Each rate filing which proposes changes to base rates as to any coverage for which rates vary by territory shall contain separate support by territory for each type of motor vehicle coverage for which a proposed rate change is filed. This provision shall apply to each territory regardless of whether the rate filing requests rate changes for one, more than one, or all territories.

~~(c)(7)~~ All rate filings which propose changes to base rates shall include calendar/accident year, Florida-only data for liability coverages and either calendar year or calendar/accident year, Florida-only data for physical damage coverages, and any other data which the insurer believes to be pertinent to the filing.

(d) The expense factors in each private passenger automobile rate filing shall be divided into the following categories:

1. Commissions and brokerages;
2. Other acquisition expenses;
3. General expenses;
4. Premium taxes;
5. Miscellaneous licenses and fees; and
6. Other special expenses.

~~(4)(8)~~ Private passenger motor vehicle rates, rating schedules, or rating manuals shall contain provisions for individual risk premium modification for collision, personal injury protection, bodily injury liability, and property damage liability coverage based on, among other factors, at least one aspect of an insured's driving record unless the insurer demonstrates with adequate support that failure to do so is not unfairly discriminatory. For purposes of this subsection, aspects of "driving record" include number or type of accidents, and number or type of violations.

~~(9) The following forms, which are hereby adopted and incorporated by reference, are included in the private passenger rate filing software provided by the Office:~~

~~(a) Form OIR-B-1575, "Florida Private Passenger Auto Rating Examples/Annual Rates," (Rev. 2/91);~~

~~(b) Form OIR-B-1576, "Florida Statewide Rate Level Effect/Voluntary Private Passenger Auto," with its instructions, (Rev. 2/91);~~

~~(c) Form OIR-B-1577, "Florida Rate Level Effect by Coverage by Territory/Voluntary Private Passenger Auto," with its instructions, (Rev. 2/91); and~~

~~(d) Form OIR-B-1578, "Florida Rate Level Effect for All Coverages by Territory/Voluntary Private Passenger Auto," with its instructions, (Rev. 2/91).~~

~~(10) All Office of Insurance Regulation Forms may be obtained from:~~

~~(a) The Department of Financial Service's Web site located at www.flds.com; or~~

~~(b) The Bureau of Property and Casualty Forms and Rates, Division of Insurer Services, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330, (850)413-3146.~~

~~(11) The expense factors in each private passenger automobile rate filing shall be divided into the following categories:~~

- ~~(a) Commissions and brokerages;~~
- ~~(b) Other acquisition expenses;~~
- ~~(c) General expenses;~~
- ~~(d) Premium taxes;~~
- ~~(e) Miscellaneous licenses and fees; and~~
- ~~(f) Other special expenses.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(+), 624.424, 627.062, 627.0651 FS. History--New 11-29-89, Amended 6-9-91, Formerly 4-57.003, Amended 11-2-92, 10-2-96, 3-31-98, 1-25-99, 6-19-03, Formerly 4-175.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2004 and July 23, 2004

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

DOCKET NO. 041017-TI

RULE NOS.:	RULE TITLES:
25-24.455	Scope and Waiver
25-24.474	Cancellation of a Registration
25-24.480	Records and Reports
25-24.600	Application and Scope

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. 5, February 4, 2005, issue of the Florida Administrative Weekly:

25-24.455 Scope and Waiver.

~~(2)(4)~~ An IXC may petition for a waiver of any provision of this Part. The waiver shall be granted in whole, granted in part, or denied based on the following: The Commission may grant a waiver to the extent that it determines that it is consistent with the public interest to do so. The Commission may grant the petition in whole or part, may limit the waiver to certain geographic areas and/or may impose reasonable alternative regulatory requirements on the petitioning company. In disposing of a petition, the Commission may consider:

(a) The factors enumerated in Section 364.337(4), Florida Statutes;

~~(b)(a)~~ The extent to which competitive forces may serve the same function as, or obviate the necessity for, the provision sought to be waived; ~~and~~

~~(c)(b)~~ Alternative regulatory requirements for the company which may serve the purposes of this part; ~~and~~

(d) Whether the waiver is in the public interest.

25-24.474 Cancellation of a Registration.

(1) The following are grounds for cancellation of Commission may on its own motion cancel a company's registration for any of the following reasons:

(a) Violation of the terms and conditions under which the authority was originally granted;

(b) Violation of Commission rule or order; or

(c) Violation of Florida Statutes.

25-24.480 Records and Reports; ~~Rules Incorporated.~~

(2) Each IXC shall furnish to the Commission at such times and in such form as the Commission may require, the results of any required tests and summaries of any required records. The IXC shall also furnish the Commission with any information concerning the IXC's facilities or operations which the Commission may reasonably request and require. All such data, unless otherwise specified, shall be consistent with and reconcilable with the IXC's regulatory assessment fee report to the Commission. Any IXC that keeps its records outside the State shall reimburse the Commission for the reasonable travel expense incurred by each Commission representative during any review of the out-of-state records of

~~the IXC or its affiliates. Reasonable travel expenses are those travel expenses that are equivalent to travel expenses paid by the Commission in the ordinary course of its business.~~

~~(a) The IXC shall remit reimbursement for out of state travel expenses within 30 days from the date the Commission mails the invoice.~~

~~(b) The reimbursement requirement in subsection (2) shall be waived:~~

~~1. For any IXC that makes its out of state records available at its office located in Florida or at another mutually agreed upon location in Florida within 10 working days from the Commission's initial request. If 10 working days is not reasonable because of the complexity and nature of the issues involved or the volume and type of material requested, the Commission may establish a different time frame for the IXC to bring records into the state. For individual data requests made during an audit, the response time frame established in Rule 25-4.0201, F.A.C., shall control; or~~

~~2. For an IXC whose records are located within 50 miles of the Florida state line.~~

(3) Where an IXC is operated with another enterprise, records must be separated in such manner that the results of the IXC operations may be determined at any time. Each IXC shall furnish to the Commission at such times and in such form as the Commission may require, the results of any required tests and summaries of any required records. The IXC shall also furnish the Commission with any information concerning the IXC's facilities or operations which the Commission may reasonably request and require. All such data, unless otherwise specified, shall be consistent with and reconcilable with the IXC's regulatory assessment fee report to the Commission.

~~(4) Where an IXC is operated with another enterprise, records must be separated in such manner that the results of the IXC operations may be determined at any time.~~

(4)(3) Upon notification to the IXC, members may, at reasonable times, make personal visits to the company offices or other places of business within or without the State and may inspect any accounts, books, records, and papers of the IXC which may be necessary in the discharge of Commission duties. Commission staff members will present Commission identification cards as the written authority to inspect records. During such visits the IXC shall provide the staff member(s) with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable with the accommodations provided the IXC's outside auditors.

25-24.600 Application and Scope.

~~(3) Each company subject to this Part may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than those prescribed for telecommunications companies in Chapter 364, Florida Statutes, under the authority of Section 364.377, Florida Statutes.~~

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-501.401
 RULE TITLE: Admissible Reading Material
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 22, (June 3, 2005), issue of the Florida Administrative Weekly:

33-501.401 Admissible Reading Material.

(1) through (8) No change.

(9) Incoming publications that have not been previously rejected by the literature review committee.

(a) No change.

(b) The warden or designee shall advise the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, of the specific reasons for the impoundment within 15 calendar days of receipt of the publication at the institution and shall provide two copies of the form to the inmate. The warden or designee of the institution that originated the impoundment shall also provide a copy of the completed form to the publisher, mail order distributor, bookstore or sender, and to the literature review committee. The copy of the impoundment notice that is sent to the literature review committee shall also include as attachments a copy of the publication's front cover or title page and a copy of all pages cited on Form DC5-101, Notice of Rejection or Impoundment of Publications, as including inadmissible subject matter. The actual date that Form DC5-101, Notice of Rejection or Impoundment of Publications, is mailed to the publisher, mail order distributor, bookstore or sender shall be documented by date stamp on the copies provided to the publisher or sender, the literature review committee, and the institution's copy. A Notice of Rejection or Impoundment of Publications, Form DC5-101, shall only address one publication. If a single mailing or package includes more than one publication and more than one are determined to be inadmissible, separate Notice of Rejection or Impoundment of Publications, Form DC5-101, shall be prepared for each.

(c) through (d) No change.

(10) No change.

(11) Single issues of periodicals and newspapers, any book, and any other printed material addressed to a specific inmate or found in the property of an inmate shall be impounded when circumstances detailed in an individual inmate's criminal conviction, detailed in departmental disciplinary reports, or detailed in prior criminal convictions, indicates it would be a threat to the security, order or rehabilitative objectives of the correctional system or the safety of any person to allow the inmate access to subject matter in that publication.

(a) No change.

(b) Publications received through the mail. Within 15 calendar days of receipt of the publication at the institution, the warden or designee shall advise the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, of the specific subject matter that is cause for impoundment pursuant to this subsection, to include the page numbers in the publication where this information is found, and the specific security, safety, or rehabilitation concerns that justify denying the individual inmate access to the publication. The warden or designee shall provide a copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, to the publisher, mail order distributor, bookstore, or sender. The actual date that the Form DC5-101, Notice of Rejection or Impoundment of Publications, is mailed to the publisher, mail order distributor, bookstore, or sender shall be documented by date stamp on the copies provided to the publisher or sender, the literature review committee, and the institution's copy. The inmate also shall be provided two copies of the form. Form DC5-101, Notice of Rejection or Impoundment of Publications, shall only address one publication. If a single mailing or package includes more than one publication and more than one are determined to be inadmissible, a Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be prepared for each.

(c) through (h) No change.

(12)(a) Rejected and impounded publications shall be held at the institution for 30 days. Upon receipt of a Form DC5-101, Notice of Rejection or Impoundment of Publications, an inmate shall have 30 days ~~from date of receipt of the form~~ to make arrangements to have the publication picked up by an approved visitor or sent to a relative or friend or the sender at the inmate's expense. If the publication is not picked up or mailed out within 30 days, the institution shall destroy it.

~~(b) The 30 day limit shall not include any time that a grievance appeal is pending provided that: the inmate has provided the warden with the written notice required in paragraph (14)(b) of this rule. However, if the inmate fails to provide the warden with written notice of his or her appeal within 15 days of the impoundment or rejection, the institution shall not be required to store the publication beyond 30 days.~~

1. The grievance is timely filed as prescribed in Chapter 33-103, F.A.C.; and

2. In grievances challenging the impoundment or rejection of publications pursuant to the criteria established in subsections (3) and (11) of this rule, the inmate provided the warden with written notice of his or her intent to file a grievance with the office of the secretary as prescribed in paragraph (14)(b) of this rule.

~~(c)(b)~~ No change.

(13) No change.

(14) Inmates may appeal the impoundment or rejection of reading material through use of the inmate grievance procedure, Chapter 33-103, F.A.C.

(a) When publications are rejected for reasons not relating to subject matter, inmates shall file an informal grievance as prescribed by Rule 33-103.005, F.A.C.

1. Only one impounded or rejected publication shall be addressed in the grievance;

2. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, that documents the rejection, must be attached to the informal grievance; and;

3. The complaint must be filed within 15 days from the date of rejection.

(b) When publications are impounded or rejected pursuant to the criteria established in subsections (3) and (11) this rule, inmates shall bypass the informal and formal institutional level of review, and file grievances direct to the office of the secretary as prescribed by Rule 33-103.007, F.A.C.

1. Only one impounded or rejected publication shall be addressed in the grievance;

2. The inmate shall identify the grievance as being related to admissible reading material by writing the words "Admissible Reading Material" at the top of the grievance;

3. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, which documents the impoundment or rejection, must be attached to the grievance;

4. The complaint must be filed within 15 days from the date of impoundment or rejection;

5. The grievance appeal shall be addressed to the office of the secretary and not to the literature review committee or to the library services administrator; and;

6. The inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he or she intends to appeal the impoundment or rejection to the office of the secretary if he or she wishes to have the order to dispose of the publication within 30 days stayed while the grievance is pending. The written notice shall include a statement that the inmate intends to appeal the impoundment or rejection of admissible reading material and must specifically identify the publications on which the appeal is to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

~~(e) If the inmate decides to appeal the impoundment or rejection to the office of the secretary, he or she shall file the appeal within 15 calendar days of the impoundment or rejection and must include a copy of Form DC5-101, Notice of Rejection or Impoundment of Publications with the appeal. The inmate shall identify the grievance as being related to admissible reading material by writing the words "Admissible Reading Material" at the top of the grievance. Only one impounded or rejected publication shall be addressed in the appeal.~~

~~(d) If the inmate intends to appeal the impoundment or rejection decision and wishes to have the order to dispose of the publication within 30 days stayed while the appeal is proceeding, the inmate must provide written notice to the warden on form DC6-236, Inmate Request, that he or she~~

~~intends to appeal the impoundment or rejection to the office of the secretary. The written notice must be filed within 15 calendar days of the impoundment or rejection, and shall include a statement that the inmate intends to appeal the impoundment or rejection of admissible reading material and must specifically identify the publications on which the appeal is to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.~~

~~(e) If the inmate fails to file within 15 calendar days, fails to provide the impoundment or rejection notice as an attachment to his or her appeal, addresses more than one impounded or rejected publication or in any other way violates the grievance procedure as described in Chapter 33-103, F.A.C., his or her appeal shall be returned without response to the issue raised.~~

~~(f) If the inmate's appeal is denied, he or she shall have 30 days to make arrangements to have the publication picked up by an approved visitor, relative or friend, or pay to have the publication sent to one of these approved individuals or to the sender. If the publication is not picked up or mailed out within 30 days, the institution shall destroy it.~~

(15) through (25) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History-- New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, 7-2-03, 12-30-04,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.005
 RULE TITLE: Certificate of Need Exemption Procedure

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S, published in Vol. 31, No. 18, May 6, 2005, issue of the Florida Administrative Weekly.

TEXT OF PROPOSED RULE CHANGES:

59C-1.005 Certificate of Need Exemptions Procedure.

(6)

~~(f)(h)~~ Provision of adult inpatient diagnostic cardiac catheterization services.

1. A request for exemption of a proposed adult inpatient diagnostic cardiac catheterization program shall include certifications by the applicant that:

a. The applicant will not provide therapeutic cardiac catheterization pursuant to the grant of the exemption;

b. The applicant will meet and continuously maintain the minimum licensure requirements specified in subsection 59A-3.2085(13), F.A.C.; and,

c. At least 2 percent of the applicant’s annual adult diagnostic cardiac catheterization admissions will be charity and Medicaid patients.

2. An exemption granted for provision of adult inpatient diagnostic catheterization services remains in effect while the requirements specified in Section 408.036(3)(i), F.S., and subsection 59A-3.2085(13), F.A.C., are met.

3. Annual reports of compliance with standards for minimum program volume and minimum services to charity and Medicaid patients, as specified in paragraphs 59A-3.2085(13)(d) and (i), F.A.C., shall be forwarded to the agency’s Certificate of Need Office. The total volume reported shall include both inpatient and outpatient admissions to the adult diagnostic cardiac catheterization program. A single admission is equal to one patient visit to the cardiac catheterization program. The first annual report for the exempted program shall be forwarded within 30 days of the end of the first 12 month period completed subsequent to the 18th month of operation. Annual reports thereafter shall be forwarded within 30 days after the anniversary of the first annual report. The reports should be submitted to the address shown in subsection (1) of this rule.

4. The agency shall provide written notification to the exempted hospital of a determination of non-compliance with the annual compliance requirements of subparagraph (h)3. of this rule. Action upon a finding of non-compliance shall be consistent with the provisions of Section 408.036(3)(i)3.b., F.S.

(6)

(f), (g), (h), (i) renumbered as (g), (h), (i), (j)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

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

NOTICE OF CORRECTION

The above-proposed rule was published in the June 17, 2005 issue of the Florida Administrative Weekly, Vol. 31, No. 24.

In the “DATE PROPOSED RULE APPROVED BY AGENCY HEAD block” of May 6, 2005. The date should have been July 23, 2004.

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

DEPARTMENT OF HEALTH

Board of Medicine

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

NOTICE OF CORRECTION

The Board of Medicine hereby gives notice of the following correction to the above-referenced rule which was published in Vol. 31, No. 24, of the June 17, 2005, Florida Administrative Weekly. The Notice of Rule Development indicated the that a Rule Development Workshop would be held at the Adams Mark Hotel. The name of the hotel has been changed to the Hyatt Regency, Jacksonville Riverfront. The address remains the same. No other changes to the original notice are necessary. The person to be contacted with regard to the above-referenced rule is: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.0093 RULE TITLE: Standards for the Delivery of Anesthesia in Certain Practice Settings

NOTICE OF CORRECTION

The Board of Medicine hereby gives notice of the following correction to the above-referenced rule which was published in Vol. 31, No. 24, of the June 17, 2005, Florida Administrative Weekly. The Notice of Rule Development Workshop indicated the that the Workshop would be held at the Adams Mark Hotel. The name of the hotel has been changed to the Hyatt Regency, Jacksonville Riverfront. The address remains the same. No other changes to the original notice are necessary. The person to be contacted with regard to the above-referenced rule is: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.001 RULE TITLE: Disciplinary Guidelines

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 2, of the January 14, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on May 25, 2005, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

6B20-7.001(4)(n) First offense shall read: "From reprimand to probation of the license, and an administrative fine of \$10,000.00. If omission of the full disclosure is unintentional, then reprimand to probation of the license, and an administrative fine of up to \$10,000.00."

Second offense shall read: "From probation to revocation of the license, and an administrative fine of \$10,000.00. If omission of the full disclosure is unintentional then probation to revocation of the license and an administrative fine of up to \$10,000.00."

64B20-7.001(4)(o) First offense shall read: "From letter of concern to suspension of the license, and an administrative fine of \$10,000.00. If the violation is unintentional then a letter of concern to suspension of the license and an administrative fine of up to \$10,000.00"

Second offense shall read: "From suspension to revocation of the license, and an administrative fine of \$10,000.00. If the violation is unintentional then suspension to revocation of the license and an administrative fine of up to \$10,000.00."

64B20-7.001(4)(p) First offense shall read: "From reprimand to probation of the license, and an administrative fine of \$10,000.00. If the violation is unintentional, then reprimand to probation of the license and an administrative fine of up to \$10,000.00.

Second offense shall read: "From probation to suspension of the license, and an administrative fine of \$10,000.00. If the violation is unintentional then probation to revocation of the license and an administrative fine of up to \$10,000.00.

64B20-7.001(4)(z) First offense shall read: "Reprimand and six months suspension to probation or revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure."

Second offense shall read: "From probation and/or suspension to revocation of the license and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.

Third offense shall read: "From suspension to revocation of the license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-7.100
RULE TITLE: Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs)

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 16, April 22, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed. The following amendments have been made to page 1 in Section II and page 2 in Section VI of the Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2005 Edition to read:

Section II: Eligibility

All licensed free-standing Ambulatory Surgical Centers (ASCs) must comply with ~~rules and standards of Chapter 59A-5, Florida Administrative Code (F.A.C.), as authorized under Chapter 395, Florida Statutes (F.S.).~~

Section VI: Medical Records

ASC facilities shall establish a system for maintaining complete, comprehensive, and accurate medical records according to ~~Chapter 395, F.S. Rule Chapter 59A-5.012, F.A.C. to ensure adequate patient care.~~

The remainder of the rule reads as previously published.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-137.004
RULE TITLE: Reports of Information by Health Insurers Required

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 15, April 15, 2005, of the FAW. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

Subsection (2)(a) is changed to read:

(2) The following forms are hereby adopted and incorporated by reference:

(a) OIR-B2-1094, (rev. 05/2005), "Report of Gross Annual Premiums and Enrollment Data for Health Benefit Plans Issued to Florida Residents".

The remainder of the rule reads as previously published.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE TITLE: RULE NO.:

Instant Game Number 606, 53ER05-50
 DIAMOND BINGO

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 606, “DIAMOND BINGO,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-50 Instant Game Number 606, DIAMOND BINGO.

(1) Name of Game. Instant Game Number 606, “DIAMOND BINGO”.

(2) Price. DIAMOND BINGO lottery tickets sell for \$2.00 per ticket.

(3) DIAMOND BINGO lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning DIAMOND BINGO lottery ticket, the ticket must meet the requirements of subsection 53ER05-27(11), F.A.C. In the event a dispute arises as to the validity of any DIAMOND BINGO lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The “CALLER’S CARD” play symbols are as follows:

01 02 03 04 05 06
 07 08 09 10 11 12
 13 14 15 16 17 18
 19 20 21 22 23 24
 25 26 27 28 29 30
 31 32 33 34 35 36
 37 38 39 40 41 42
 43 44 45 46 47 48
 49 50 51 52 53 54
 55 56 57 58 59 60
 61 62 63 64 65 66
 67 68 69 70 71 72
 73 74 75 ^{FREE}

(5) The “PLAYER’S CARD” play symbols and play symbol captions are as follows:

^B01 ^B02 ^B03 ^B04 ^B05 ^B06
^B07 ^B08 ^B09 ^B10 ^B11 ^B12
^B13 ^B14 ^B15 ^I16 ^I17 ^I18
^I19 ^I20 ^I21 ^I22 ^I23 ^I24
^I25 ^I26 ^I27 ^I28 ^I29 ^I30
^N31 ^N32 ^N33 ^N34 ^N35 ^N36
^N37 ^N38 ^N39 ^N40 ^N41 ^N42
^N43 ^N44 ^N45 ^G46 ^G47 ^G48
^G49 ^G50 ^G51 ^G52 ^G53 ^G54
^G55 ^G56 ^G57 ^G58 ^G59 ^G60
^O61 ^O62 ^O63 ^O64 ^O65 ^O66
^O67 ^O68 ^O69 ^O70 ^O71 ^O72
^O73 ^O74 ^O75

(6) Determination of Prizewinners.

(a) There are four player’s cards numbered 1 through 4 and one Caller’s Card on each DIAMOND BINGO ticket. A “FREE” space will appear in the center of each player’s card. A “FREE” space can substitute as a number in a pattern of which it is a part.

(b) A ticket whose numbers on one of the player’s cards match the Caller’s Card numbers in one of the following patterns shall entitle the claimant to the prize shown for that pattern on that card:

1. Horizontal line of five numbers (or four numbers and one “FREE” space).
2. Vertical line of five numbers (or four numbers and one “FREE” space).
3. Diagonal line of four numbers and one “FREE” space.
4. Four corners (consisting of four numbers).
5. “X” (consisting of eight numbers and one “FREE” space).

Prizes that appear in the player’s cards area are: FREE TICKET, \$3, \$10, \$25, \$50, \$100, \$150, \$200, \$250, \$500, and \$10,000. Prize amounts for a particular pattern are different on each player’s card.

(7) Players may win on one or more player’s cards per ticket; however, players may not win more than one prize on each player’s card.

(8) A claimant who is entitled to a prize of a “FREE TICKET” shall be entitled to a prize of a \$2.00 ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a DIAMOND BINGO lottery ticket that entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 606 are as follows:

GET BINGO WITH:	WIN:	ODDS OF 1 IN:	NUMBER OF WINNERS IN 84 POOLS OF 120,000 TICKETS PER POOL:
LINE – CARD 1	\$2 TICKET	11.54	873,600
LINE – CARD 2	\$3	7.89	1,276,800
LINES – CARD 1, 2	\$3 Cash + \$2 Ticket	150.00	67,200
LINE – CARD 3	\$10	30.00	336,000
LINES – CARD 1, 3	\$10 Cash + \$2 Ticket	150.00	67,200
4 CORNERS – CARD 1	\$25	300.00	33,600
LINE – CARD 4	\$25	300.00	33,600
LINES – CARD 1, 2, 4	\$28 Cash + \$2 Ticket	4,000.00	2,520
LINES – CARD 1, 2, 3, 4	\$38 Cash + \$2 Ticket	4,000.00	2,520
4 CORNERS – CARD 1 + LINE – CARD 4	\$50	2,400.00	4,200
4 CORNERS – CARD 2	\$100	2,400.00	4,200
4 CORNERS – CARD 1, 2 + LINE – CARD 4			4,200
4 CORNERS – CARD 3	\$100	2,400.00	4,200
“X” – CARD 1	\$150	24,000.00	420
4 CORNERS – CARDS 1, 3 + LINE-CARD 4	\$150	24,000.00	420
4 CORNERS – CARD 2 + “X” – CARD 1	\$200	40,000.00	252
4 CORNERS – CARD 4	\$200	40,000.00	252
4 CORNERS – CARDS 1, 2, 3 + LINE-CARD 4	\$200	40,000.00	252
“X” – CARD 2			168
“X” – CARD 1 + 4 CORNERS – CARD 2, 3, 4	\$500	504,000.00	20
“X” – CARD 1, 2 + 4 CORNERS – CARD 3	\$500	504,000.00	20
“X” – CARD 3	\$500	1,008,000.00	10
“X” – CARD 4	\$10,000	2,520,000.00	4

(10) The estimated overall odds of winning some prize in Instant Game Number 606 are 1 in 3.71. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 606, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a DIAMOND BINGO lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(13) Payment of prizes for DIAMOND BINGO lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History–New 6-17-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 17, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 596, JUST A BUCK
 RULE NO.: 53ER05-51

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 596, “JUST A BUCK,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER05-51 Instant Game Number 596, JUST A BUCK.

(1) Name of Game. Instant Game Number 596, “JUST A BUCK.”

(2) Price. JUST A BUCK lottery tickets sell for \$1.00 per ticket.

(3) JUST A BUCK lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning JUST A BUCK lottery ticket, the ticket must meet the requirements of subsection 53ER05-27(11), F.A.C. In the event a dispute arises as to the validity of any JUST A BUCK lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:



(5) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$5.00	\$10.00
TICKET	ONE	TWO	FIVE	TEN
\$20.00	\$25.00	\$50.00	\$200	\$500
TWENTY	TWY FIV	FIFTY	TWO HUN	FIVE HUN

(6) The legend is as follows:

PLAY AREA

(7) Determination of Prizewinners. A ticket having a



“WIN” symbol in the play area shall entitle the claimant to the corresponding prize shown for that symbol. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$200 and \$500. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a JUST A BUCK lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 596 are as follows:

GAME PLAY:	WIN:	ODDS OF	NUMBER
TICKET	\$1 TICKET	1 IN:	OF WINNERS IN
			56 POOLS OF
			180,000 TICKETS
			PER POOL:
\$1	\$1	10.00	1,008,000
\$2	\$2	9.09	1,108,800
\$1 x 5	\$5	100.00	100,800
\$5	\$5	300.00	33,600
(\$1 x 4) + (\$2 x 3)	\$10	150.00	67,200
\$5 x 3	\$15	300.00	33,600
(\$2 x 5) + (\$5 x 2)	\$20	600.00	16,800
\$20	\$20	600.00	16,800
\$1 + (\$2 x 2) + (\$5 x 4)	\$25	600.00	16,800
\$25	\$25	600.00	16,800
\$10 x 5	\$50	1,800.00	5,600
\$20 x 5	\$100	18,000.00	560
(\$50 x 6) + \$200	\$500	126,000.00	80
\$500	\$500	315,000.00	32

(9) The estimated overall odds of winning some prize in Instant Game Number 596 are 1 in 3.84. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 596, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a JUST A BUCK lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(12) Payment of prizes for JUST A BUCK lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History—New 6-17-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 17, 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**

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

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on June 21, 2005, South Florida Water Management District (District) received request for Withdrawal of Petition for Waiver from the Florida Department of Transportation, Application No. 05-0408-2, for utilization of Works or Lands of the District known as the C-6 Canal, Section 20, Township 53S, Range 40E, Miami-Dade County. Notice of receipt of petition requesting waiver was published in the Florida Administrative Weekly, Vol 31, No. 19, on May 13, 2005. No public comment was received. A copy of the withdrawal request may be obtained from Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, e-mail: kruff@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 15, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), F.A.C., from Blue Moon Bed and Breakfast located in Homosassa. The above referenced F.A.C. states all bathrooms shall be of easy and convenient access to both patrons and employees, and shall be located on the same floor.... They are requesting a variance to not add a bathroom on the second floor where there will be food service; instead patrons would use the bathroom facilities located inside of their rooms.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on 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.

The variance request is approved and is contingent upon Petitioner notifying guests to the location of the public bathroom facilities by directional signage, the public bathrooms have hot and cold running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than thirty seats in the establishment, which includes any outside seating, in the establishment. Handwashing procedures for employees are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code Section 2-301.14. All provisos must be complied prior to final approval and licensing. This variance is not transferable under any conditions. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Sec. 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on June 13, 2005, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), F.A.C., from Crepe Maker located in Sanford. The above referenced

F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal.

This variance request was approved June 21, 2005, and approval is contingent upon Petitioner using an 8 gallon or greater potable water tank and utilizing a wastewater holding tank that is at least 15% larger than the potable water holding tank. Water and wastewater holding tanks are to be emptied at a minimum of four times a day as to not create a sanitary nuisance. Petitioner must adhere strictly to the following operating procedures: Supply for potable water tank must be from an approved source with written documentation provided; sanitize the fresh water tank at least once every 24 hours; sanitize the wastewater holding tank by pouring ¼ cup of bleach or other approved sanitizer in the sink drain. Petitioner must store the in-use utensils on a clean, sanitized dry surface, and those utensils are to be washed, rinsed, sanitized and air-dried at least once every two hours. Handwashing procedures are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code Section 2-301.14. If the menu changes or expands in any manner or operating hours for Cinnabon and accessibility to the unoccupied food service establishment changes, this variance request will be re-evaluated. All provisos must be complied before final approval and licensing and all provisions specified by the City of Sanford, Office of Oil and Grease Management must also be complied. This variance is not transferable under any conditions. Any violation of the variance is the equivalent of a violation of the rule and may result in a recession of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Sec. 509.261 Florida Statutes.

NOTICE IS HEREBY GIVEN that on May 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.

This variance request was approved June 21, 2005, and is contingent upon the Petitioner ensuring the public bathroom has hot and cold running water at all times, operating in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than twenty-seven (27) seats, which includes any outside seating, in

the establishment. All provisos as stated in the letter dated May 17, 2005, from Lynne Peka must be complied prior to final approval and licensing. This variance is not transferable under any conditions. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Sec. 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on June 13, 2005, the Division of Hotels and Restaurants received a Petition for Emergency Variance for paragraph 61C-1.004(1)(d), F.A.C., from Crepe Maker located in Sanford. The above referenced F.A.C. states that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal.

A copy of the Petition can be obtained from:

Xenia Bailey

Division of Hotels and Restaurants

1940 North Monroe Street,

Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 13, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraph 61C-1.004(1)(d), subsection 61C-4.010(5) and paragraph 61C-4.010(7)(e), F.A.C., from Jake's Italian Grill located in Orlando. The above referenced Florida Administrative Codes specifically address the proper disposal of sewage and adequate bathroom facilities for fixed establishments. This proposed facility establishment is currently licensed as a Mobile Food Dispensing Vehicle, but is requesting to operate as a fixed establishment.

A copy of the Petition can be obtained from:

Xenia Bailey

Division of Hotels and Restaurants

1940 North Monroe Street,

Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Clinical Laboratory Personnel hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on April 12, 2005 by Christopher Gerz. The Notice of Petition for Variance/Waiver was published in Vol. 31, No. 16, of the April 22, 2005, Florida Administrative Weekly. The Petitioner sought a Variance/Waiver with regard to his experience in an exclusive use laboratory environment and what is acceptable "pertinent clinical laboratory experience" as defined under Rule 64B3-2.003, F.A.C., which is entitled "Definitions." The Board of Clinical Laboratory Personnel considered the Petition at its meeting held on June 3, 2005, in Fort Lauderdale, Florida. The Board's Order, filed on June 17, 2005, granted the Petition for waiver of Rule 64B3-2.003, F.A.C., finding that Petitioner met the purpose of the underlying statute.

A copy of the Board's Order may be obtained by contacting Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259.

The Board of Medicine hereby gives notice that it has received a petition filed on April 8, 2005, on behalf of James A. Valenza, M.D., seeking a waiver or variance from Rules 64B8-2.001 and 64B8-4.009, F.A.C., with regard to the definition of the passing score of the FLEX and official source verification of his medical school education. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice. For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed on behalf of John Sallusto, M.D., seeking a waiver or variance from Rule 64B8-2.001, F.A.C., with regard to the requirements for successful completion of the FLEX. The Petition was filed on March 23, 2005, and the Notice was published in Vol. 31, No. 14, of the April 8, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on May 21, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on June 4, 2005. The Board voted to grant the Petition for the following

reasons: the Petitioner demonstrated a substantial hardship and that he meets the purpose of the underlying statute. The Board's Order granting the Petition was filed on June 16, 2005. A copy of the Board's Order may be obtained by contacting the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has received a petition filed on June 15, 2005, on behalf of Florence Khoriaty, M.D., seeking a permanent variance from Rule 64B8-2.001, F.A.C., with regard to the passing score of the FLEX. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed on behalf of Osama Hafez, M.D., seeking a waiver or variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for successful completion of the USMLE. The Petition was filed on March 9, 2005, and the Notice was published in Vol. 31, No. 12, of the March 25, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on May 21, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on June 4, 2005. The Board voted to grant the Petition for the following reasons: the Petitioner demonstrated a substantial hardship and that he meets the purpose of the underlying statute. The Board's Order granting the Petition was filed on June 16, 2005.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed on behalf of Reinaldo Santana, M.D., seeking a waiver or variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for successful completion of the USMLE. The Petition was filed on February 25, 2005, and the Notice was published in Vol. 31, No. 11, of the March 18, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on May 21, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on June 4, 2005. The Board voted to grant the Petition for the following reasons: the Petitioner demonstrated a substantial hardship and that he meets the purpose of the underlying statute. The Board's Order granting the Petition was filed on June 16, 2005.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed by Zhao Liu, M.D., seeking a waiver or variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for successful completion of the USMLE. The Petition was filed on February 22, 2005, and the Notice was published in Vol. 31, No. 11, of the March 18, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on May 21, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on June 4, 2005. The Board voted to grant the Petition for the following reasons: the Petitioner demonstrated a substantial hardship and that he meets the purpose of the underlying statute. The Board's Order granting the Petition was filed on June 16, 2005.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed on behalf of Jennifer Chu, M.D., seeking a waiver or variance from Rule 64B8-4.009, F.A.C., with regard to primary source verification of medical education. The Petition was filed on April 11, 2005, and the Notice was published in Vol. 31, No. 17, of the April 29, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on May 21, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on June 4, 2005. The Board voted to grant the Petition for the following reasons: the Petitioner demonstrated a substantial hardship and that she meets the purpose of the underlying statute. The Board's Order granting the Petition was filed on June 16, 2005.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed by Rozales Swanson, M.D., seeking a waiver or variance from Rule 64B8-5.001, F.A.C., with regard to the time frames imposed for successful completion of the USMLE. The Petition was filed on March 9, 2005, and the Notice was published in Vol. 31, No. 13, of the April 1, 2005, Florida Administrative Weekly. The Credentials Committee considered the Petition at its meeting held on May 21, 2005, and the Board voted to accept the Committee's recommendation at its meeting held on June 4, 2005. The Board voted to grant the Petition for the following reasons: the Petitioner demonstrated a substantial

hardship and that she meets the purpose of the underlying statute. The Board's Order granting the Petition was filed on June 16, 2005.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Medicine hereby gives notice that it has received a petition filed on by Leonard D. Pace, M.D., on June 14, 2005, seeking a waiver or variance from subsection 64B8-13.004(2), F.A.C., with regard to the requirement for the SPEX examination for licensure reactivation. Comments on this petition should be filed with Board of Medicine, MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253, within 14 days of publication of this notice.

For a copy of the petition, contact: Larry G. McPherson, Jr., Executive Director, Board of Medicine, at above address or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT ON June 15, 2005, the Department received a Petition for Variance or Waiver from Rule 64B21-500.005, from John W. Bell, Ed.D. The Petition requests a Variance or Waiver from the rule that specifies the experience requirements and supervised experience requirements for licensure as a school psychologist. Comments on this Petition should be filed with: Paula M. Jones, Programs Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

For a copy of the petition, contact: Paula M. Jones, Programs Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on July 17, 2005, Florida Housing Finance Corporation received a Petition for Variance of paragraph 67-21.008(1)(b), Florida Administrative Code, from Mariner Club Apartments ("Petition"). The Petition is seeking a variance from the rule which provides the beginning date for amortization of the loan.

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.

NOTICE IS HEREBY GIVEN that on June 21, 2005, Florida Housing Finance Corporation received a Petition for Waiver from subsections 67-48.002(3), 67-48.004(14) and (15), F.A.C., from Nantucket Cove Partners, Ltd. ("Petition"). The Petition is seeking a variance from the rule which provides that there be no change to the Developer entity.

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 LEGAL AFFAIRS

The **Department of Legal Affairs** announces a meeting of the Florida New Motor Vehicle Arbitration Board to which all persons are invited:

DATES AND TIME: July 7-8, 2005, 8:30 a.m.

PLACE: Wyndham Westshore Hotel, 4860 W. Kennedy Blvd., Tampa, FL 33609-2591

GENERAL SUBJECT MATTER TO BE CONSIDERED: Arbitrator Training.

A copy of the agenda may be obtained by writing: Department of Legal Affairs, Lemon Law Arbitration Program, PL-01, The Capitol, Tallahassee, FL 32399-1050, (850)414-3500, Ext. 4494, three days before the meeting.

Any person requiring a special accommodation to attend this meeting because of a disability or physical impairment should contact Ms. Carol Howell, Lemon Law Arbitration Program at the number above, or if hearing or speech impaired, via the Florida Dual Relay System at 711, three days before the meeting.

The Florida **Commission on the Status of Women** will hold a meeting to which all interested persons are invited to participate.

DATE AND TIME: Monday, July 11, 2005, 1:00 p.m. – 4:00 p.m.

PLACE: Eden Roc Renaissance Resort and Spa, 4252 Collins Avenue, Miami Beach, FL 33140, 1(800)327-8337

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

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: July 30, 2005, 10:00 a.m. – 11:30 a.m.

PLACE: The Ritz-Carlton, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Dept. of Agriculture and Consumer Services to discuss current and proposed Council programs and budget issues.

Additional information may be obtained by writing: Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

Pursuant to 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 in advance by contacting Ms. O’Neil at the number above.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council:

DATE AND TIME: Thursday, July 14, 2005, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call Sonia Baquero, (305)401-1502.

DEPARTMENT OF EDUCATION

The **Florida Atlantic University** Board of Trustees announces a meeting to which all persons are invited:

DATE AND TIME: Wednesday, July 20, 2005, 9:30 a.m.

PLACE: Florida Atlantic University, 777 Glades Road, Boca Raton, FL 33431

GENERAL SUBJECT MATTER TO BE CONSIDERED: Capital Improvement Plan.

A copy of the agenda may be obtained by contacting: Ms. Annette Sisti, Florida Atlantic University, 777 Glades Road, Boca Raton, Florida 33431, (561)297-4030

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 Ms. Paula Behul, (561)297-3004. If you are hearing or speech impaired, please contact the agency by calling TDD via TDD No. (561)297-2130.

The **Department of Education, University of Central Florida**, Florida Center for Nursing will conduct a Board of Directors meeting to which all interested persons are invited to participate.

DATE AND TIME: Friday, July 8, 2005, 10:00 a.m. – 3:00 p.m.

For further information contact: Cathy Lewis, (407)823-0981.

The **Gulf Coast Community College** District Board of Trustees will hold its monthly meeting as follows:

DATE AND TIME: July 14, 2005, 10:00 a.m. (CST)

PLACE: Third Floor Seminar Room, Student Union West, Panama City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

Criminal Justice Training Standards and Training Commission, Region VIII, Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: July 20, 2005, 2:00 p.m.

PLACE: Polk Community College, Kenneth C. Thompson Institute of Public Safety, 999 Avenue H, N. E., Winter Haven, Florida 33881

GENERAL SUBJECT MATTER TO BE CONSIDERED: Principal agenda items to be considered: 1) Approve Minutes from January 2005 Meeting; 2) Old Business; 3) New Business, a. Region VIII Course Offerings, b. Region VIII Budget (2004-2005 Reports), c. CJSTC Rules; 4) Training Issues; 5) Other issues; 6) Adjournment.

A copy of the agenda may be obtained by writing: Captain Craig C. Smith, Director, Polk Community College, Kenneth C. Thompson Institute of Public Safety, 999 Ave H, N. E., Winter Haven, FL 33881

The **Florida Rehabilitation Council for the Blind** announces the following Public Forum to which all interested individuals are invited to attend.

DATE AND TIME: Thursday, July 21, 2005, 4:00 p.m. – 6:00 p.m.

PLACE: Hampton Inn, 2909 Thomas Drive, Panama City Beach, FL 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

CONTACT: Phyllis Dill, The Division of Blind Services, 7201 North 9th Avenue, Suite A-11, Pensacola, FL 32504, (850)484-5030 or Florida Telephone Relay System 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

The **Florida Rehabilitation Council for the Blind, Division of Blind Services** announces the following meeting:

DATES AND TIMES: July 22, 2005, 8:30 a.m. – 5:00 p.m.; July 23, 2005, 8:30 a.m. – 12:00 p.m.

PLACE: Hampton Inn, 2909 Thomas Drive, Panama City Beach, FL 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the council.

A copy of the agenda may be obtained one week in advance, by contacting: Phyllis Dill, Division of Blind Services, 7201 N. 9th Avenue, Ste A-11, Pensacola, FL 32504, (850)484-5030 or Florida Telephone Relay System 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public meeting to which all interested parties are invited.

DATE AND TIME: July 19, 2005, 9:30 a.m. – 11:00 a.m.

PLACE: Osceola County Manager’s Office, 1 Courthouse Square, Suite 4700, Kissimmee, Florida 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking one or more public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and the WAP/ Low

Income Home Energy Assistance Program (WAP/LIHEAP) in Osceola County. Entities interested in contracting with DCA to provide these services should attend this meeting to learn about the application requirements. Preferences will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective program.

Per the U.S. Department of Energy 10CFR Part 440.15, Subgrantees, the following application criteria are to be addressed in the application package: (1) the entity’s experience and performance in weatherization or housing renovation activities; (2) the entity’s experience in assisting low-income persons in the area to be served; (3) the entity’s capacity to undertake a timely and effective weatherization program; (4) the extent to which the past or current program achieved or is achieving goals in a timely fashion; (5) the quality of work performed by the entity; (6) the number, qualifications, and experience of the staff members of the entity; (7) the ability of the entity to secure volunteers, training participants, public service employment workers, and other Federal or State training programs.

ACTIONS TO BE TAKEN: At this meeting, the DCA will disseminate information about the programs, the application requirements, the deadline for submitting all applications and the appeals information. After the application deadline date (due to be submitted to DCA by 5:00 p.m. EDT, August 1, 2005), DCA Staff will review the application(s) received and make a decision regarding each entity’s eligibility to provide program services to Osceola County. A recommendation for the selected entity will then be prepared by DCA Staff for subsequent consideration and approval or disapproval by DCA’s Secretary. Announcement of the selected entity along with the appeals process for non-selected entities wishing to challenge the selection will then be sent by U.S. Mail to all applicants.

ADDITIONAL INFORMATION: Requests for a copy of the agenda, application criteria and additional information or questions may be addressed to: Mr. Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488, e-mail: norm.gempel@dca.state.fl.us.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to 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) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: July 19, 2005, 11:00 a.m. – 12:30 p.m.

PLACE: Osceola County Manager's Office, 1 Courthouse Square, Kissimmee, Florida 34741-5488

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a public or nonprofit entity to administer the Low-Income Home Energy Assistance Program (LIHEAP) in Osceola County. Entities interested in contracting with DCA to provide this service should attend this meeting to learn about the application requirements.

Selection will be based on the entity's experience and performance in related federal or state programs in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective program. Special consideration in the designation of a service provider will be given to any Community Action Agency or other public or nonprofit entity which is currently administering an effective program under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications and experience of the staff members of the entity; and (4) maintain compliance with administration and financial management requirements.

ACTIONS TO BE TAKEN: At this meeting, the DCA will disseminate information about the programs, the application requirements, the deadline for submitting all applications and the appeals information. After the application deadline date (due to be submitted to DCA by 5:00 p.m. EDT, August 1, 2005), DCA Staff will review the application(s) received and make a decision regarding each entity's eligibility to provide program services to Osceola County. A recommendation for the selected entity will then be prepared by DCA Staff for subsequent consideration and approval or disapproval by DCA's Secretary. Announcement of the selected entity along with the appeals process for non-selected entities wishing to challenge the selection will then be sent by U.S. Mail to all applicants.

ADDITIONAL INFORMATION: Requests for an application, additional information or questions may be addressed to Ms. Hilda Frazier, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488 or e-mail: hilda.frazier@dca.state.fl.us.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: July 19, 2005, 1:30 p.m. – 3:30 p.m.

PLACE: Osceola County Manager's Office, 1 Courthouse Square, Kissimmee, Florida 34741-5488

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a public or nonprofit entity to administer the Community Services Block Grant (CSBG) program in Osceola County. Entities interested in contracting with DCA to provide these services should attend this meeting to learn about the application requirements.

Selection of an entity will be based on the entity's experience and performance in related federal or state programs in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective program. Preferences will be given to any Community Action Agency or other public or nonprofit entity which is currently administering an effective program. The entity's bylaws and board structure must currently meet or be modified to meet the requirements of Rule 9B-22.011, F.A.C. and 42 USC 9910. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements.

ACTIONS TO BE TAKEN: The purpose of the meeting is to disseminate information only. No action will be taken based on this meeting. A public hearing to take input into the selection of an entity will be scheduled at a later date in Osceola County.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to Ms. Hilda Frazier, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488, e-mail: hilda.frazier@dca.state.fl.us.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955- 8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement**, Medical Examiners Commission announces a Medical Examiners Commission Meeting.

DATE AND TIME: Thursday, August 11, 2005, 2:00 p.m.

PLACE: Sonesta Beach Resort, 350 Ocean Drive, Key Biscayne, Florida 33149, (305)361-2021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8600, at least five (5) working days prior to the meeting.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information or a copy of the agenda may be obtained by contacting: Mrs. Victoria G. Marsey, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, District 5 announces a public meeting to which all persons are invited.

DATE AND TIME: 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, 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 at 1(888)454-4884. Special accommodation requests should be made at least seven (7) days prior to the meeting.

The **Florida’s Turnpike Enterprise** announces a design public hearing to which all persons are invited.

DATE AND TIME: Tuesday, July 26, 2005, 5:30 p.m. – Open House, 6:00 p.m. – Formal Presentation

PLACE: Florida’s Turnpike Enterprise Auditorium, Turkey Lake Service Plaza, Building 5315, Mile Post 263, Ocoee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This design public hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This Hearing is being held in accordance with the Section 339.155, Florida Statutes, and is also consistent with the Americans with Disabilities Act of 1990. This Hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the final design widening of Florida’s Turnpike Enterprise, Financial Project ID Number: 406148-1-52-01. The limits of the project are from Interstate 4 (milepost 260) to Beulah Road (milepost 270) in Orange County, Florida (a distance of approximately 10 miles).

Anyone needing project or Design Public Hearing information, including a copy of the Hearing agenda, may contact: Ms. Satya Sukumar, P.E., Project Manager, Florida’s Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (407)532-3999, Extension 3626, e-mail: Satya.Sukumar@dot.state.fl.us

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact: Mr. Jeffrey LeClaire, P.E., Project Development Engineer, Florida’s Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761, (407)532-3999, Extension 3826, e-mail: keffreu.leclaire@dot.state.fl.us.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the Hearing.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: July 14, 2005, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call: Christine Jones, (850)245-7914.

Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public meeting.

A copy of the agenda may be obtained by writing: Christine Jones, Executive Secretary, Commercial Motor Vehicle Review Board, 1815 Thomasville Road, Tallahassee, FL 32303-5750.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 041464-TP – Petition for arbitration of certain unresolved issues associated with negotiations for interconnection, collocation, and resale agreement with Florida Digital Network, Inc. d/b/a FDN Communications, by Sprint-Florida, Incorporated.

DATE AND TIME: July 18, 2005, 1:30 p.m.

PLACE: Commission Hearing Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

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

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces its Internal Affairs Meeting, to which all interested persons are invited.

DATE AND TIME: July 19, 2005, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, Conference Room 140, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Office of General Counsel** announces a public hearing to which all persons are invited.

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

PLACE: Room 309, the Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held pursuant to Section 147 of the Internal Revenue Code of 1986, as amended, to afford interested persons the opportunity to express their views, both oral and written, regarding the proposed plan of finance involving the issuance of up to \$500,000,000 aggregate principal amount of tax-exempt Educational Loan Revenue Bonds ("the Bonds") in one or more series by Educational Funding of the South, Inc. ("the Corporation"). The proceeds of the Bonds proposed to be issued pursuant to the plan of finance will be used primarily (i) to finance the acquisition of certain qualified educational loans made under the federal Higher Education Act of 1965, as amended, to students or parents of students residing in the State of Florida or attending institutions of post-secondary education, (ii) to refund certain prior indebtedness incurred for such purposes, (iii) to fund a debt service reserve fund, and (iv) to pay costs associated with the issuance of the Bonds.

Persons wishing to submit only written comments concerning the proposed plan of finance and issuance of the bonds should deliver or mail such written comments to the Corporation at the address below so that they are received prior to the commencement of the public hearing.

Anyone needing special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Missy Markis, (904)998-3840. Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public hearing.

Written comments and requests for copies of the agenda should be directed to: Missy Markis, Educational Funding of the South, Inc., 10245 Centurion Pkwy., North, Ste. 108, Jacksonville, Florida 32256, Fax (904)998-0812.

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida, Executive Committee, is pleased to announce a conference call to which all persons are invited.

DATE AND TIME: Wednesday, July 6, 2005, 2:00 p.m.

PLACE: Please call (850)921-5172 for call-in number and pass-code.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and planning for upcoming annual meeting.

Please contact Gwen Erwin, (850)921-5172, for a meeting agenda. If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

The **Governor's Commission on Volunteerism and Community Service**, Volunteer Florida is pleased to announce a meeting to which all persons are invited.

DATES AND TIMES: July 11, 2005, 5:30 p.m. – 7:00 p.m.; July 12, 2005, 8: 30 a.m. – 9:00 p.m.; July 13, 9:00 a.m. – 11:30 a.m.

PLACE: West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual Meeting and Strategic Planning. Please contact Gwen Erwin, (850)921-5172, for a detailed schedule and meeting agenda. If you require a reasonable accommodation to participate, please contact Gwen Erwin, (850)921-5172, Voice/TTY, 72 hours in advance with your request.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council Ad Hoc Committee** on Policies, Priorities and Procedures (P3) announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, July 7, 2005, 8:30 a.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve, (GTMNERR), 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is established to examine how the Council can transform and conduct business to help meet new challenges.

A copy of the Ad Hoc Committee Charge agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, F.S., may attend and speak at the meeting.

The **Withlacoochee Regional Planning Council** announces a meeting of its Budget Committee.

DATE AND TIME: Thursday, July 21, 2005, 6:30 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: First revision of the current budget.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

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

PLACE: Southwest Florida Regional Planning Council, 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that

a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr at (239)338-2550 at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Wednesday, July 20, 2005, 9:00 a.m. – 10:15 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

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

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE DISCUSSED: Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Mayana Anderson, (352)732-1315.

The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, July 21, 2005, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

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

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters.

Public hearing in accordance with Section 373.59, F.S., concerning the proposed conveyance to Hamilton County of a 0.05-acre parcel of land located in Hamilton County, Florida.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001, 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited.

BASIN BOARD EDUCATION COMMITTEE MEETING

DATE AND TIME: Tuesday, July 12, 2005, 9:30 a.m.

PLACE: Explorations V Children's Museum, 109 N. Kentucky Avenue, Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee business.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

INDUSTRIAL ADVISORY COMMITTEE

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

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41 South), Brooksville, Florida 34604, (352)796-7211 or 1(800)231-6103, Suncom 628-4150, TDD ONLY 1(800)231-6103.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advised the agency at least 48 hours before the workshop/hearing/meeting by contacting: Dianna Brass, (352)796-7211, Extension 4604, 1(800)423-1476, Extension 4604, Suncom 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

PUBLIC SUPPLY ADVISORY COMMITTEE

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

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41 South), Brooksville, Florida 34604, (352)796-7211 or 1(800)231-6103, Suncom 628-4150, TDD ONLY 1(800)231-6103.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advised the agency at least 48 hours before the workshop/hearing/meeting by contacting: Dianna Brass, (352)796-7211, Extension 4604, 1(800)423-1476, Extension 4604, Suncom 628-4150. If you are hearing or speech impaired, please contact the District by calling TDD ONLY 1(800)231-6103.

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited:

CITRUS COUNTY TSALA-APOPKA CHAIN OF LAKES TASK FORCE OF THE CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL

DATE AND TIME: Monday, July 18, 2005, 3:00 p.m.

PLACE: Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto, Florida 34461

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Discussion of Task Force business.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), Extension 4227.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Thursday, July 7, 2005, 9:00 a.m.

PLACE: SFWMD Headquarters, B1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Water Resources Advisory Commission (WRAC) Meeting.

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: www.sfwmd.gov/gover/wrac/agendas.html.

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: Rick Smith, WRAC Facilitator, Governing Board and Executive Services Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Tuesday, July 12, 2005, 10:00 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Special meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained at: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: <http://www.sfwmd.gov/org/ema/toc/draftagenda.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: Dr. Garth Redfield, in the Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

The **Long-Term Care Ombudsman Program** announces a conference call pertaining to Family Councils.

DATE AND TIME: July 5, 2005, 10:00 a.m. – 11:00 a.m.

PLACE: Phone Number 1(850)921-6260

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Family Councils in Long-Term Care Facilities.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Long-Term Care Ombudsman Program announces the following Schedule of District Council Meetings – OPEN SESSION – for July/August, 2005. Please call Toll Free 1(888)831-0404, for additional information and clarification.

Northwest Florida Ombudsman Council

DATE AND TIME: Call 1(850)595-8013

PLACE: T & C Plaza, 3300 N. Pace Boulevard, 1st Floor, Pensacola, FL 32505

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Long-Term Care Issues.

Panhandle Ombudsman Council

DATE AND TIME: Call 1(850)921-4703

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3700 Commonwealth Blvd., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Long-Term Care Issues.

North Central Florida Ombudsman Council

DATE AND TIME: Call 1(352)955-5015

PLACE: Hospice of North Central FL, 4200 N. W. 97th Blvd., Room 2, Gainesville, FL 32606

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Long-Term Care Issues.

Withlacoochee Area Ombudsman Council

DATE AND TIME: Call 1(352)620-3088

PLACE: Lake-Sumter Community College, 1405 County Rd. 526A, Sumterville, FL 33585

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Long-Term Care Issues.

First Coast Ombudsman Council

DATE AND TIME: Call 1(904)723-2058

PLACE: Dept. of Children and Family Services, Auditorium, 5920 Arlington Expwy., Jacksonville, FL 32211

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 First Coast South Ombudsman Council
 DATE AND TIME: Call 1(386)226-7846
 PLACE: Daytona Regional Center, Conf Room 148, 201 N. Palmetto, Daytona Beach, FL 32114
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 Pasco and North Pinellas Ombudsman Council
 DATE AND TIME: Call 1(727)834-3127
 PLACE: Council Square II, 7601 Little Road, Room 150, New Port Richey, FL 34654
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 Mid and South Pinellas Ombudsman Council
 DATE AND TIME: Call 1(727)588-6912
 PLACE: Mary Grizzle Bldg, 11351 Ulmerton Rd., Conf Room 309A, Largo, FL 33778
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 West Central Florida Ombudsman Council
 DATE AND TIME: Call 1(813)558-5591
 PLACE: Rotates from Tampa, Brandon, and Bradenton
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 South Central Florida Ombudsman Council
 DATE AND TIME: Call 1(863)413-2764
 PLACE: Rath Senior CoNEXTions & Ed Ctr, 1350 E. Main St., Suite 200, Bartow, FL 33830
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 East Central Florida Ombudsman Council
 DATE AND TIME: Call 1(407)228-7752
 PLACE: Tedder Bldg., 988 Woodcock Road, Downstairs Board Room, Orlando, FL 32803
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 Southwest Florida Ombudsman Council
 DATE AND TIME: Call 1(239)338-1493
 PLACE: Temple Shalom, 23190 Utica Avenue, Port Charlotte, FL 33949
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 Palm Beach County Ombudsman Council
 DATE AND TIME: Call 1(561)837-5038
 PLACE: 111 S. Sapodilla Avenue, Room 113 B, West Palm Beach, FL 33401
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.

Treasure Coast Ombudsman Council
 DATE AND TIME: Call 1(772)595-1385
 PLACE: 337 N. 4th Street, Room TBA, Ft. Pierce, FL 34950
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 Broward County Ombudsman Council
 DATE AND TIME: Call 1(954)747-7919
 PLACE: Plantation Police Outreach Ctr., Broward Mall, #123, North Entrance, Plantation, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 North Dade Ombudsman Council
 DATE AND TIME: Call 1(305)336-1418
 PLACE: Conference Room, 7270 N. W. 12th Street, Suite 130, Miami, FL 33126
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.
 South Dade and The Florida Keys Ombudsman Council
 DATE AND TIME: Call 1(305)671-7245
 PLACE: 7300 N. Kendall Drive, Suite 780, Conference Room, Miami, FL 33156
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Long-Term Care Issues.

The Florida **Department of Elder Affairs** announces a workshop to which all interested persons are invited.
 DATE AND TIME: Wednesday, July 20, 2005, 10:00 a.m. – 12:00 Noon
 PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Amendment of rules in Chapter 58M-2, F.A.C., regarding general regulations governing professional guardianship registration.
 A copy of the agenda and more information about the workshop may be obtained by contacting: Jim Crochet, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, e-mail: crochetj@elderaffairs.org.
 In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop should advise the department at least seventy-two (72) hours before the workshop by contacting: Jim Crochet, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, e-mail: crochetj@elderaffairs.org. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency For Health Care Administration** would like to announce a meeting of the family practice physician recruitment and retention advisory committee to which all interested persons are invited to participate.

DATE AND TIME: Friday, July 15, 2005, 8:30 a.m. – 11:00 a.m.

PLACE: Marco Island Marriott Resort, Lower Level, Capri Rooms 2-3, Marco Island, FL (Anyone interested in participating by telephone may call (850)921-6433, Suncom 291-6433)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the first draft of the Florida Family Practice Physician Recruitment and Retention Advisory Committee annual report to the legislature authority for this committee is granted by Section 395.807, Florida Statutes.

For additional information, please contact: Margaret Cavendish, (850)414-9988, e-mail: cavendim@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida Black Business Support Corporation** announces its teleconference meetings, for the next two quarters, of its Loan Investment Committee to which all interested persons are invited.

DATES AND TIMES: Wednesday, July 13, 2005; Wednesday, August 10, 2005; Wednesday, September 14, 2005; Wednesday, October 12, 2005; Wednesday, November 9, 2005; Wednesday, December 14, 2005, 10:00 a.m.

PLACE: Teleconference – Call (850)487-4850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider financing requests, receive reports relating to loan and investment activities, and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Support Corporation, 1711 South Gadsden Street, Tallahassee, FL 32301, (850)487-4850.

If a person decides to take an appeal with respect to any matter considered at these meetings, he/she will need a record of the proceedings and, for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meeting, please notify the FBBSC office at (850)487-4850 at least seven (7) days prior to the meetings.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Regulatory Council of Community Association Managers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Friday, August 5, 2005, 10:30 a.m. (EST)

PLACE: Four Seasons Resort, 2800 South Ocean Boulevard, Palm Beach, FL 33480, (563)533-3757

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: The Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting (850)922-5012. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Funeral Directors and Embalmers** announces the following meetings to which all parties are invited to attend.

DATE AND TIME: August 9, 2005, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee meeting, Rules Committee meeting and Probable Cause Panel meeting, portions which are closed to the public.

DATE AND TIME: August 10, 2005, 8:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: Crowne Plaza, 430 Duval Street, Key West, FL 33040, (305)296-2991

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-1395, 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 Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 15, 2005, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review and approve providers and courses for the new ethics requirement.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395.

The **Board of Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited.

DATE AND TIME: Friday, August 19, 2005, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to review and approve providers and courses for the new ethics requirement.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a meeting to which all persons are invited.

DATE AND TIME: Monday, July 11, 2005, 9:30 a.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, July 19, 2005; Wednesday, July 20, 2005, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Florida **Board of Medicine**, Probable Cause Panel (South), announces a telephone conference call to be held via meet me number.

DATE AND TIME: July 15, 2005, 2:00 p.m.

PLACE: Meet Me Number (850)922-2903, Suncom 292-2903, Toll Free Number 1(800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted: P. O. Box 14229, Tallahassee, Florida 322317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The Florida **Board of Medicine and Osteopathic Medical Board**, Anesthesiologist Assistants Joint Committee announces a meeting and a telephone conference call to be held via meet me number.

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

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, Florida 32822, (407)851-9000 (Meet me Number: Contact Florida Board of Medicine, (850)245-4131 or access the web site at www.doh.state.fl.us/mqa for the meet me number)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, Anesthesiologist Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call 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, Supervisor, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Committee 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.

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, August 4, 2005, 6:00 p.m. or immediately following Rules and Legislative Meeting

PLACE: Hyatt Regency Jacksonville Riverfront, 225 Coastline Drive, East, Jacksonville, FL 32202, (904)588-1234

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 **Board of Optometry** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Wednesday, July 20, 2005, 9:00 a.m.

PLACE: Loew's Miami Beach Hotel, 1601 Collins Avenue, Miami Beach, FL 33139, (305)604-1601

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 Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/optometry/op_home.html.

The **Board of Optometry** will hold a duly noticed meeting, to which all persons are invited to attend.

DATE AND TIME: Tuesday, July 19, 2005, 7:00 p.m.

PLACE: Loew's Miami Beach Hotel, 1601 Collins Avenue, Miami Beach 33139, (305)604-1601

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)245-4355, 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 Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

The **Board of Optometry** will hold a duly noticed rules workshop to which all persons are invited to attend.

DATE AND TIME: Tuesday, July 19, 2005, 3:00 p.m.

PLACE: Loew's Miami Beach Hotel, 1601 Collins Avenue, Miami Beach 33139, (305)604-1601

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B13, 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., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/optometry/opt_home.html.

NOTICE OF CHANGE – The **Department of Health, Board of Physical Therapy** announces a conference call of the board.

DATE AND TIME: July 19, 2005, 11:30 a.m. or soon thereafter

PLACE: The meet me number may be obtained by contacting Ivy Shivers, (850)245-4372

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

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 at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited.

DATES AND TIMES: August 4, 2005, 6:30 p.m. or soon thereafter; August 5, 2005, 8:00 a.m. or soon thereafter

PLACE: The Tampa Renaissance Hotel, 4200 Jim Walter Boulevard, Tampa, FL 33607, (813)877-9200

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting/Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Tallahassee, FL 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 **Florida Coordinating Council for Deaf and Hard of Hearing** announces its upcoming meeting to which all persons are invited.

DATE AND TIMES: August 5, 2005, 1:00 p.m. – 6:30 p.m., Committees meet from 1:00 p.m. – 3:00 p.m.; Public comment is welcome from 3:30 p.m. – 6:30 p.m. on August 4, 2005

August 5, 2005, 8:00 a.m. – 4:00 p.m., Business meeting
 To request the agenda or a FCCDHH Public Comment Card
 call toll free (866)602-3275 e-mail:
 karen_anderson@doh.state.fl.us.

PLACE: the Holiday Inn Select, Fort Myers Airport Area,
 13051 Bell Tower Drive, Ft Myers, FL 3390, (239)482-2900
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Coordination of services and policy recommendations for
 accessibility, supports, and services for persons who are deaf,
 hard of hearing, late-deafened, or deaf-blind in Florida.

NOTICE UNDER THE AMERICANS WITH DISABILITIES
 ACT: Sign language and oral interpreter services and
 communication-assisted real-time translation (CART) services
 will be provided at this meeting. Any person requiring
 additional accommodations (i.e., deaf-blind interpreting) needs
 to contact Karen Anderson at least 14 working days prior to the
 meeting.

**The Department of Health, Florida Alliance for Diabetes
 Prevention and Care – DATA COMMITTEE:** The Alliance
 will hold a committee meeting via conference call.

DATE AND TIME: 2nd Thursday – July 14, 2005, 12:00 Noon
 – 1:00 p.m.

TOLL FREE # – provided by moderator.

If you would like to join the conference call, have questions, or
 require additional information, please contact: M. R. Street,
 (850)245-4330. All requests for special accommodations must
 be received by Tuesday, July 12, 2005, 5:00 p.m. (Eastern
 Time).

**DEPARTMENT OF CHILDREN AND FAMILY
 SERVICES**

The **Department of Children and Family Services,
 Community Alliance for Baker, Clay, Duval and St. John’s
 counties** will meet.

DATE AND TME: Wednesday, July 20, 2005 and on the third
 Wednesday of each month at 2:30 p.m.

PLACE: Roberts Building, 5920 Arlington Expressway,
 Jacksonville, FL

FLORIDA HOUSING FINANCE COMMISSION

The **Florida Housing Finance Corporation** announces a
 meeting of the Board of Directors to which all interested
 parties are invited:

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

PLACE: Tallahassee City Hall Commission Chambers, 300
 Adams Street, Tallahassee, FL 32301, (850)851-0000

GENERAL SUBJECT MATTER TO BE DISCUSSED:

1. Consider, review, and take action on matters brought to the
 Fiscal Committee and to consider recommendations made
 by the Fiscal Committee to the Board.

2. Consider, review, and take action on matters brought to the
 Guarantee Committee and to consider recommendations
 made by the Guarantee Program Committee to the Board.
3. Consider, review, and take action on matters brought to the
 Universal Cycle Committee and to consider
 recommendations made by the Universal Cycle Committee
 to the Board.
4. Consider, review, and take action on matters brought to the
 Multifamily Revenue Bond Committee and to consider
 recommendations made by the Multifamily Revenue Bond
 Committee to the Board. Authorize the Corporation Staff
 to proceed with all actions necessary for the sale of bonds
 of pending multifamily issues, which have satisfied the
 requirements for funding.
5. Consider financing and acknowledgement resolutions for
 various multifamily developments, under any multifamily
 program, including the ranking of developments.
6. Consider appointment of professionals including but not
 limited to trustee and/or originator/servicer for upcoming
 and/or past multifamily programs and single-family
 programs.
7. Consider approval of all bond documents for and terms of all
 upcoming single-family and multifamily bond sales,
 including those secured by third-party guarantors,
 letters-of-credit, insurance or other mechanisms.
8. Consider adopting resolutions authorizing negotiated or
 competitive sale of bonds on various single-family and
 multifamily issues.
9. Consider directing Staff to submit summaries of various
 TEFRA/Public Hearings to the Governor.
10. Consideration of policy issues concerning ongoing and
 upcoming Single-family Bond issues including initiation
 of request for proposals on an emergency basis, and
 structuring new issues.
11. Consideration of all necessary actions with regard to the
 Multifamily Bond Program.
12. Consideration of approval of underwriters for inclusion on
 approved master list and teams.
13. Consideration of all necessary actions with regard to the
 HOME Rental Program.
14. Consideration of all necessary actions with regard to the
 HC (Housing Credits) Program.
15. Consideration of all necessary actions with regard to the
 SAIL (State Apartment Incentive Loan) Program.
16. Consideration of all necessary actions with regard to the
 SHIP (State Housing Initiatives Partnership) Program.
17. Consideration of all necessary actions with regard to the
 PLP (Predevelopment Loan) Program.
18. Consideration of all necessary actions with regard to the
 Home Ownership Programs.

19. Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.
20. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
21. Consideration of workouts or modifications for existing projects funded by the Corporation.
22. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
23. Consideration of funding additional reserves for the Guarantee Fund.
24. Consideration of audit issues.
25. Evaluation of Professional and Consultant performance.
26. Such other matters as may be included on the Agenda for the July 22, 2005, Board Meeting.

A copy of the agenda may be obtained approximately two days prior to the meeting by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, Corporation's website: www.floridahousing.org.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida 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 Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF FINANCIAL SERVICES

The **Florida Financial Management Information System** (FFMIS) Coordinating Council announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 21, 2005, 10:00 a.m.
 PLACE: Chief Financial Officer's Conference Room, PL12, The Capitol Building, Tallahassee, Florida (Please Note: The above date, time and place of the meeting are tentative.)
 GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled Coordinating Council meeting.

Information regarding scheduled times and dates can be sent to: Don Northam, Director, FFMIS Coordinating Council, Department of Financial Services, 200 E. Gaines Street, Tallahassee, FL 32399-0352, (850)413-2822, Fax (850)488-7265, e-mail: northamd@dfs.state.fl.us.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule 690-137.001, Florida Administrative Code, published on April 22, 2005, in Vol. 31, No. 16, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Kerry Krantz, e-mail: kerry.krantz@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule 690-137.004, F.A.C., published on April 15, 2005 in Vol. 31, No. 15, of the Florida Administrative Weekly, with a notice of change published on July 1, 2005, Vol. 31, No. 26.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Frank Dino, e-mail: frank.dino@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule 690-138.001, Florida Administrative Code, published on April 22, 2005, in Vol. 31, No. 16, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Kerry Krantz, e-mail: kerry.krantz@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule 690-149.038, .044, Florida Administrative Code, published on April 15, 2005 in Vol. 31, No. 15, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Frank Dino, e-mail: rank.dino@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule 690-154.112, Florida Administrative Code, published on April 15, 2005 in Vol. 31, No. 15, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Frank Dino at E-mail frank.dino@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rules 690-171.002, .008, Florida Administrative Code, published on April 8, 2005 in Vol. 31, No. 14, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Michael Milnes, e-mail: Michael.milnes@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Repeal of Rule 690-191.066, F.A.C., published on May 13, 2005, in Vol. 31, No. 19, of the Florida Administrative Weekly. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Bob Norris, e-mail: bob.norris@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule 690-193.023, Florida Administrative Code, published on April 15, 2005, in Vol. 31, No. 15, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Gary Mills, e-mail: gary.mills@fldfs.com.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: August 9, 2005, 9:00 a.m. during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adoption of amendments to Rule Chapter 690-156, Florida Administrative Code, published on April 1, 2005, in Vol. 31, No. 13, of the Florida Administrative Weekly.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting: Frank Dino, e-mail: frank.dino@fldfs.com.

FLORIDA AEROSPACE FINANCE CORPORATION

The **Florida Aerospace Finance Corporation (FAFC)** announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: July 12, 2005, 1:30 p.m. – 3:30 p.m.

PLACE: Office of Enterprise Florida, Inc., 390 North Orange Avenue, Suite 1300, Orlando, FL 32801 (To attend via telephone the number to call is: 1 (866)249-5325, participant code 393255)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Aerospace Finance Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces an Audit Committee telephone conference meeting to which all interested parties are invited to attend.

DATES AND TIMES: July 13, 2005, 2:00 p.m. – 3:00 p.m. or as soon as business has been concluded (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Audit Committee of the Florida Insurance Guaranty Association will meet to discuss the Audit report for the Florida Insurance Guaranty Association.

A copy of the agenda and telephone conference number may be obtained by contacting: Cathy Irvin, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by

contacting Cathy Irvin at (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD at 1(800)955-1339.

Mark your calendars for **Sunshine State One Call of Florida**, Inc.'s strategic planning and July board and committee meetings. Casual attire for all meetings will be acceptable.

STRATEGIC PLANNING MEETING

DATE AND TIME: July 20, 2005, 8:00 a.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting announcements and kick off by Chairman. Sunshine Law review and legal responsibilities discussed. Board discussion will include planning for standing committees, Ad Hoc committees, board budget, board travel, and review of last year's strategic planning goals. Afternoon will be highlighted by the staff update for FY 2005/06 goals.

STRATEGIC PLANNING MEETING

DATE AND TIME: July 21, 2005, 8:00 a.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Long-term vision of SSOCOF; Review Goal Development Process; Identify Proposed Goals; Obtain Board Consensus On Goals; Assign Goals To Committees; Review Legislative Agenda.

BOARD AND COMMITTEE MEETINGS

DATE AND TIME: July 22, 2005, 8:00 a.m. – 4:30 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Secretary's report followed by the Executive Directors report and consent agenda, General Counsel's legal report. Committee meetings and reports to begin at approximately 9:00 am in the following order: Finance Committee; Damage Prevention Committee; Operations Committee; Legislative Ad Hoc Committee; Storm Planning Ad Hoc Committee.

PLACE: The Shores Resort & Spa (formally The Hilton), 2637 Atlantic Avenue, Daytona Beach Shores, FL 32118, (386)767-7350

Note: Any person requiring an accommodation at this meeting because of a physical impairment should call the one-call notification center, (386)575-2000, at least five calendar days prior to the activity.

HIGHLANDS COUNTY

The **Highlands County** announces a public hearing to which all persons are invited.

DATE AND TIME: July 28, 2005, Project Information, 5:00 p.m. – 6:00 p.m., 6:00 p.m., formal portion of the Public Hearing (involving a project presentation and an opportunity for citizens to make formal statements)

PLACE: Highlands County Board of County Commissioners Board Room, 600 South Commerce Avenue, Sebring, Florida 33870

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing is being held to afford interested persons the opportunity to express their views concerning the location, design, social, economic, and environmental effects of the proposed improvements to County Road 623 at Airport Road in Sebring.

Anyone needing project or public hearing information (including the agenda) or special accommodations under the Americans with Disabilities Act of 1990 should write: Mr. Ramon Gavarrete, P.E., County Engineer/Utilities Director, Highlands County, 505 South Commerce Avenue, Sebring, Florida 33870-3869, (863)402-6877, Fax (863)386-6548, e-mail: rgavarre@bcc.co.highlands.fl.us.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the Public Hearing.

A copy of the agenda may be obtained by contacting Mr. Gavarrete at the address above.

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 ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that on June 10, 2005, it received a Petition for Declaratory Statement filed by Nellie Hart, Psy.D. The petition seeks the Board’s interpretation of Section 490.005, Florida Statutes, and Rule 64B19-11.005, F.A.C., and whether Nellie Hart’s position with the Miami Dade Public Defender’s Office as a Disposition Specialist meets the supervision requirements for state licensure.

Copies of the petition may be obtained from: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3253.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has received a petition for declaratory statement from Britt-Carmichael Billing, Inc. The petition seeks the agency’s opinion as to the applicability of Sections 559.541-559.548, Florida Statutes, as they apply to the petitioner.

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The Florida State University announces that construction management services will be required for the project listed below:

Project No.: FS- 245

Project and Location: Marine Science Research and Training Center, Florida State University, Tallahassee, Florida

The project consists of the construction of a new pool facility and locker room building to be constructed at the Florida State University southwest campus. Construction will include pool facilities for swimming and diving, mechanical and other support spaces, and site development. The pool(s) and facilities will provide for intercollegiate competition/training, recreation, and possible public use during "off seasons". A (10) meter dive tower is to be included. The locker room building will consist of approximately 6,600 gsf and will provide for swim and dive team locker space, restrooms, showers, limited offices, and storage. Design is planned to be complete by Fall 2005 with construction scheduled to begin in January 2006.

The estimated construction cost is \$6,700,000.

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 50% Construction Document phase. At the University's discretion, a GMP may be developed at the 100% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts, 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 or by contacting: Lynetta Mills, Facilities Design and Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on the project, contact: Kim Ball, Project Manager, at the address and phone listed above.

Five bound copies of the required proposal data shall be submitted. Submittals must be received at the address listed above by 2:00 p.m., local time, on July 29, 2005. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

REQUEST FOR PROPOSAL

Florida Atlantic University on behalf of its Board of Trustees, invites qualified firms licensed to do business in the State of Florida to submit proposals for the design, financing, construction, and operation of a 40,000 seat convocation, football stadium, student housing and supporting retail space as part of a comprehensive Athletic Innovation Village

REQUEST FOR PROPOSAL NUMBER 05E-459

OPENING DATE: 9/01/2005 @ 3:00 p.m.

OPENING LOCATION: Florida Atlantic University
 Purchasing Department
 Admin Bldg, Room 121
 777 Glades Road
 Boca Raton, FL 33431

There is a Mandatory pre-proposal meeting for this project. Please see the RFP documents for further details and for the time, date and location of the conference.

To request a copy of this RFP, please FAX your request to (561)297-3084, or by e-mail: schiff@fau.edu.

This RFP document is available electronically by e-mail. The vendor is responsible for providing the correct e-mail address and verifying receipt of the file.

In all requests be sure to include the company name, address, phone, fax, e mail, point of contact and the number/title of the bid you are requesting.

For further information please contact: Mr. Ed Schiff, Director, Purchasing Department, (561)297-3080.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida Board Of Trustees, a public body corporate, announces that Professional Services in the discipline of Architecture and Engineering will be required for the project listed below:

Project and Location: Allied Health Facility – University of North Florida, Jacksonville, Florida.

The project consists of a new facility of approximately 40,000 gross square feet consisting of classrooms, offices, and support space for the Allied Health Facility. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services (each, aggregate and per occurrence).

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. The most recent version of the Florida Board of Education – Division of Colleges and Universities “Professional Qualifications Supplement” completed by the applicant’s office applying for the project. Applications on any other form will not be considered.

2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

Scoring of minority business enterprise participation will not be considered in the scoring process.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Zak Ovadia, AIA
 University of North Florida
 4567 St. Johns Bluff Road, South
 Jacksonville, Florida 32224
 (904)620-2016, Fax (904)620-2020

Submittals must be received in the Office of Facilities Planning, JJ Daniel Hall, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, by 2:00 p.m. local time, on August 2, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of North Florida Board Of Trustees, a public body corporate, announces that Professional Services in the discipline of Architecture and Engineering will be required for the project listed below:

Project and Location: Parking Services Facility – University of North Florida, Jacksonville, Florida.

The project consists of a new facility of approximately 3,000 gross square feet consisting of offices and support space for Parking Services. Blanket professional liability insurance will be required for this project in the amount of \$2,000,000 and will be provided as a part of Basic Services (each, aggregate and per occurrence).

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. The most recent version of the Florida Board of Education – Division of Colleges and Universities “Professional Qualifications Supplement” completed by the applicant’s office applying for the project. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit 6 copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

Scoring of minority business enterprise participation will not be considered in the scoring process.

As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Zak Ovadia, AIA
 University of North Florida
 4567 St. Johns Bluff Road, South
 Jacksonville, Florida 32224
 (904)620-2016, Fax (904)620-2020

Submittals must be received in the Office of Facilities Planning, JJ Daniel Hall, University of North Florida, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224, by 2:00 pm local time, on August 16, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

INVITATION TO BID

Sealed bids will be received by Columbia County Schools, Purchasing Department, 372 W. Duval Street, Lake City, Florida 32055 until 2:00 p.m. on July 14, 2005, for the following:

Bid Number: 3081

Title: Bid for Bread, SFS

Detailed specifications may be obtained from the Purchasing Department at the above address or by calling (386)755-8038, Fax (386)755-8077. The School Board reserves the right to

reject any and all bids. This bid shall be for bread products delivered to twelve (12) schools on an as needed basis throughout the 2005-06 school year. Estimated annual purchase is \$100,000.00.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

SECTION A

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO.: CC-09-ST SAMAS CODE:

PROJECT NAME & LOCATION: RMC Work Camp Reception & Medical Center (RMC)
 Union County, Florida

FOR: Construction of the work camp site, which includes the following primary items of work: site grading, fencing, paving, water distribution, sanitary sewer collection, sanitary sewer pump, gas distribution and power distribution.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$ 100,000.00 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Department for the current biennium (July 1 through June 30)

of odd numbered years. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the Instruction To Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: August 2, 2005, Until 2:00 p.m. Local time

PLACE: Reception & Medical Center (RMC), 7765 S. C.R. 231, Lake Butler, Florida 32054

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Hatch Mott MacDonald
3800 Esplanade Way, Suite 150
Tallahassee, FL 32311
Telephone (850)222-0334

Drawings and specifications may be purchased for \$125.00 per set from the Architect/Engineer.

PRE-BID CONFERENCE: A pre-bid conference will be held on site at the Reception & Medical Center (RMC), 7765 S. C.R. 231, Lake Butler, Florida on July 19, 2005, at 1:30 p.m. local time.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections. Right is reserved to reject any or all bids.

EXPRESSWAY AUTHORITIES

NOTICE OF INVITATION TO BID

MDX PROCUREMENT NO.: ITB-05-01

MDX WORK PROGRAM NO.: 30013.060

The Miami-Dade Expressway Authority ("MDX") is seeking the services of a contractor pre-qualified by the Florida Department of Transportation in accordance with Rule Chapter 14-22, Florida Administrative Code for Roadway Construction or specialty category of Painting, or certified with Miami-Dade County as a General Contractor or a General Engineering Contractor for MDX WP# 30013.060, Pressure Washing and Application of Class V Coating to Concrete Bridges Surfaces of bridges at various mile post locations within the MDX System. The MDX System is comprised of State Road (SR) 836, SR 874, SR 878, SR 112 and SR 924. The Work for the Project consists of, but is not limited to, providing all Labor, Maintenance of Traffic schemes, Materials, Equipment and incidentals necessary for the pressure washing and application

of Class V coating to concrete surfaces of bridges. MDX notifies all Bidders and individuals that it requires and encourages small, minority and women-owned businesses to have full opportunity to submit a response to any solicitation document issued by MDX. MDX requires satisfaction of a 15% small business participation goal in this project. Please refer to the Small Business Participation Policy (available on MDX's website). For complete information, on the scope of the project as well as submittal requirements, please log onto our site: www.mdx-way.com or call MDX at (305)637-3277. A MANDATORY Pre-Bid Conference for this project is scheduled for July 6, 2005, at 10:30 a.m. Deadline for submitting a sealed Bid is July 26, 2005 by 2:00 p.m., Eastern Time.

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 XII Miscellaneous

DEPARTMENT OF STATE

GUIDELINES AND APPLICATIONS AVAILABLE FOR COMMUNITY LIBRARIES IN CARING PROGRAM

Grant applications and guidelines are available for the following program administered by the Florida Department of State, Division of Library and Information Services:
Community Libraries in Caring Program – Applications due August 19, 2005

Guidelines and forms are available on the Division's Web page at <http://dlis.dos.state.fl.us/bld/grants/CLIC/CLIC.html>. Grant guidelines and forms may also be requested by mail from the Grants Office, State Library and Archives of Florida, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250; by phone at (850)245-6629 or SUNCOM 205-6620; or by fax at (850)245-6643.

Completed applications must be mailed to the address indicated above and be on file with the Division, or postmarked on or before the application due date.

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, Vengeance Performance Products, LLC., intends to allow the establishment of Dabadoo, Inc., as a dealership for the sale of Vengeance motorcycles, at 2608-C South Federal Highway, Fort Lauderdale, (Broward County) Florida 33316, on or after June 24, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Dabadoo, Inc., are dealer operator: Eric J. Barash, 1449 Southeast Fourteenth Street, Fort Lauderdale, Florida 33316; principal investor(s): Eric J. Barash, 1449 Southeast Fourteenth Street, Fort Lauderdale, Florida 33316.

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: Robert A. Kasprzak of Beatty & Associates, Attorneys at Law, Centrelake Plaza, 3401 Centrelake Drive, Suite 360, Ontario, California 91761.

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, Mitsubishi Fuso Truck of America, Inc., intends to allow the establishment of Em-Sil Enterprises, Inc., d/b/a Tri-County Truck & Equipment, as a dealership for the sale of Mitsubishi vehicles, at 2464 North Military Trail, West Palm Beach (Palm Beach County), Florida 33409, on or after July 2, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Em-Sil Enterprises, Inc., d/b/a Tri-County Truck & Equipment are dealer operator: Michael Silveri, 2930 Northeast 23rd Street, Pompano Beach, Florida 33062; principal investor(s): Michael Friscaro, 9700 Northwest 1st Manor, Coral Springs, Florida 33071.

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: Debbie McTyre, Supervisor, Dealer Operations, Mitsubishi Fuso Truck of America, Inc., 2015 Center Square Road, Logan Township, New Jersey 08085.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF VETERANS' AFFAIRS

The Florida Department of Veterans' Affairs is releasing its' Site Selection Criteria for the 7th State Veteran's Home. Based on an independent study the need for this facility has been identified for northeast Florida. This will be a 120 bed facility with 60 beds dedicated to those diagnosed with some form of dementia. The new facility will employ approximately 150 state and contract employees, and have an annual budget of over \$6 million.

Copies of the Criteria can be obtained by calling Lyndette Aguirre, (727)518-3202, Ext 514, or sending a request in writing to: Florida Department of Veterans' Affairs, Site Selection Committee, Attention: Lyndette Aguirre, 11351 Ulmerton Road, Room 341-J, Largo, FL 33778-1630.

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration has received an emergency service exemption application from Saint Lucie Medical Center, located at 1800 S. E. Tiffany Avenue, Port St Lucie, Florida 34952, pursuant to Section 395.1041(3), Florida Statutes, and Section 59A-3.255, Florida Administrative Code. The emergency services for which the exemptions are requested are: Neurosurgery, Oral-Maxillofacial Surgery, Plastic 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: Jack Plagge, Hospital and Outpatient Services Unit, plaggej@ahca.myflorida.com.

The Agency for Health Care Administration has received an emergency service exemption application from Tenet Health Care Systems, Inc d/b/a/ St. Mary's Medical Center, located at 901 45th Street, West Palm Beach, Florida 33407, pursuant to Section 395.1041(3), Florida Statutes, and Rule 59A-3.255, Florida Administrative Code. The emergency service for which the exemption is requested is: Hyperbaric Medicine. 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: Jack Plagge, Hospital and Outpatient Services Unit, plaggej@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: Palm Beach District: 9
 ID # 0400028 Decision: A Issue Date: 6/16/2005
 Facility/Project: Waterford Health Care Center ("The Waterford")
 Applicant: Life Care Retirement Communities, Inc.
 Project Description: Construct a replacement skilled nursing facility on the same site
 Proposed Project Cost: \$12,500,000

**CERTIFICATE OF NEED
DECISIONS ON BATCHED APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Hospital Beds and Facilities batching cycle with an application due date of March 23, 2005:

- County: Volusia Service District: 4
 CON # 9831 Decision Date: 6/17/2005 Decision: D
 Facility/Project: Kindred Hospitals East, L.L.C.
 Applicant: Kindred Hospitals East, L.L.C.
 Project Description: Establish a 60-bed long-term care hospital
 Approved Cost: \$0
- County: Hillsborough Service District: 6
 CON # 9832 Decision Date: 6/17/2005 Decision: D
 Facility/Project: Tampa Bay Academy
 Applicant: Youth & Family Centered Services of Florida, Inc.
 Project Description: Establish a 98-bed IRTF
 Approved Cost: \$0
- County: Hillsborough Service District: 6
 CON # 9833 Decision Date: 6/17/2005 Decision: D
 Facility/Project: St. Joseph's Hospital, Inc.
 Applicant: St. Joseph's Hospital, Inc.
 Project Description: Establish a 90-bed acute care hospital through the transfer of 90 acute beds from St. Joseph's Hospital
 Approved Cost: \$0
- County: Hillsborough Service District: 6
 CON # 9834 Decision Date: 6/17/2005 Decision: D
 Facility/Project: Sun City Hospital, Inc.
 Applicant: Sun City Hospital, Inc.
 Project Description: Establish an 80-bed acute care hospital
 Approved Cost: \$0
- County: Brevard Service District: 7
 CON # 9835 Decision Date: 6/17/2005 Decision: D
 Facility/Project: Kindred Hospitals East, L.L.C.
 Applicant: Kindred Hospitals East, L.L.C.
 Project Description: Establish a 60-bed long-term care hospital
 Approved Cost: \$0
- County: Brevard Service District: 7
 CON # 9836 Decision Date: 6/17/2005 Decision: D
 Facility/Project: Holmes Regional Medical Center, Inc.
 Applicant: Holmes Regional Medical Center, Inc.
 Project Description: Establish an 84-bed acute care hospital
 Approved Cost: \$0
- County: St. Lucie Service District: 9
 CON # 9837 Decision Date: 6/17/2005 Decision: D
 Facility/Project: Martin Memorial Medical Center, Inc.
 Applicant: Martin Memorial Medical Center, Inc.
 Project Description: Establish an 80-bed acute care hospital

Approved Cost: \$0
 County: Palm Beach Service District: 9
 CON # 9838 Decision Date: 6/17/2005 Decision: A
 Facility/Project: Bethesda Healthcare System, Inc.
 Applicant: Bethesda Healthcare System, Inc.
 Project Description: Establish an 80-bed acute care hospital through the transfer of 80 beds from Bethesda Memorial Hospital

Approved Cost: \$82,401,400
 County: Broward Service District: 10
 CON # 9839 Decision Date: 6/17/2005 Decision: D
 Facility/Project: North Broward Hospital District
 Applicant: North Broward Hospital District
 Project Description: Establish a 144-bed acute care hospital through the transfer of 144 beds from North Broward Hospital District's licensed beds
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On June 17, 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 Walter Raymond Konkell, L.M.H.C., license number 2964. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 15, 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 Barbara Crawford, L.P.N. license number PN 1223641. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 15, 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 Monroe Schiffman, R.Ph. license number PS 9228. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 14, 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 permit of Jess E. Jen Pharmacy, Inc permit number PH 39716. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 20, 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 Permit of Jerry Delman, R.Ph., permit number PS 17468. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 20, 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 Permit of PowerMedica, Inc., permit number PH 19446. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Department of Children and Family Services has conducted a survey to determine the need for new medication (methadone) treatment service providers, pursuant to Section 397.427, Florida Statutes, and administrative rules adopted thereunder. The specific service to be added is outpatient methadone maintenance treatment. The results of the survey indicate that the need for additional outpatient methadone maintenance treatment has been established in the following Department of Children and Family Services jurisdictional area:

Suncoast Region

Prospective applicants for a license to operate outpatient methadone maintenance treatment in Suncoast Region may direct requests for an application for a license to the following:

Suncoast Region

Department of Children and Family Services
 Substance Abuse and Mental Health Program Office

11351 Ulmerton Road, Suite 329

Largo, Florida 33778-1630

Attention: Bob Holm, Substance Abuse Regional, Director,
 (727)588-6834

Applications for a license will be subject to review by the Suncoast Region and rated in accordance with specific criteria established for that purpose.

The closing date for submitting applications to the Suncoast Region is Wednesday September 28, 2005, 5:00 p.m., Eastern Standard Time.

Copies of the assessment report may be obtained from:

Department of Children and Family Services

Substance Abuse Program

1317 Winewood Boulevard

Building 6, Room 306

Tallahassee, Florida 32399-0700

Telephone: (850)488-9210

Attention: Phil Emenheiser

DEPARTMENT OF FINANCIAL SERVICES

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA
 CASE NO.: 2005-1069

In Re: The Receivership of SENIOR CITIZENS MUTUAL INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH SENIOR CITIZENS MUTUAL INSURANCE COMPANY

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 1st day of June, 2005, the Department of Financial Services of the State of Florida was appointed as Receiver of SENIOR CITIZENS MUTUAL INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of SENIOR CITIZENS MUTUAL INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m. June 2, 2006, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for SENIOR CITIZENS MUTUAL INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at http://www.fldfs.com/ofr/banking/cu_expansion.htm.

Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida, 32399-0379, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 22, 2005):

Name and Address of Applicant: Omni Community Credit Union, 8367 Baymeadows Way, Jacksonville, Florida 32241
 Expansion Includes: Geographic Area

Received: June 20, 2005

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN June 13, 2005
 and June 17, 2005

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DEPARTMENT OF EDUCATION
University of Florida

6C1-2.012	6/17/05	7/7/05	Newspaper	
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DEPARTMENT OF CORRECTIONS

33-601.604	6/13/05	7/3/05	31/10	31/19
33-603.101	6/17/05	7/7/05	31/15	31/20

DEPARTMENT OF ELDER AFFAIRS
Administation of Federal Aging Programs

58A-5.0191	6/15/05	7/5/05	31/11	31/17
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AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid Program Office

59G-5.010	6/17/05	7/7/05	31/13	
59G-6.030	6/14/05	7/4/05	31/7	31/18

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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

61-2.0010	6/13/05	7/3/05	31/15	
61-2.0011	6/13/05	7/3/05	31/15	
61-2.014	6/13/05	7/3/05	31/15	
61-2.026	6/13/05	7/3/05	31/15	

Division of Pari-Mutuel Wagering

61D-7.013	6/17/05	7/7/05	31/10	31/20
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Construction Industry Licensing Board

61G4-15.0021	6/17/05	7/7/05	31/5	
61G4-15.026	6/17/05	7/7/05	31/5	
61G4-15.027	6/17/05	7/7/05	31/5	
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61G4-21.005	6/17/05	7/7/05	31/6	

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Board of Employee Leasing Companies

61G7-5.002	6/16/05	7/6/05	31/18	
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Board of Landscape Architecture

61G10-18.002	6/16/05	7/6/05	30/43	31/14
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Board of Professional Geologists

61G16-9.001	6/13/05	7/3/05	31/7	31/20
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State Athletic Commission

61K1-1.0031	6/13/05	7/3/05	30/48	30/51
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62-210.300	6/16/05	7/6/05	31/18	
62-256.100	6/16/05	7/6/05	31/18	
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Division of Beaches and Shores

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DEPARTMENT OF HEALTH

Board of Dentistry

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59B-7.026	19/30			59G-4.070	27/6	27/18	
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61J1-7.005	28/41	28/43		62-710.300	31/9		31/22
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64B10-12.009	31/20			64B16-27.830	31/17		
64B10-12.010	31/20			64B16-27.831	30/50		
64B10-12.011	31/20			64B16-28.120	31/13		
64B10-12.012	31/20			64B16-28.140	24/38		
64B10-12.015	31/20			64B16-28.301	31/13		
64B10-12.016	31/20			64B16-28.303	31/13		
64B10-12.017	31/20			64B16-28.404	31/3		
64B10-12.018	31/20			64B16-28.405	31/3		
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64B10-13.300	31/20			64B16-28.607	31/4		
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64B10-15.002	31/20			64B16-28.850	31/13		
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64B10-15.003	31/20			64B16-28.900	31/23		
64B10-16.001	31/20			64B16-28.902	31/23		
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64B12-19.002	27/11			64B20-8.007	31/13		31/20
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64B15-7.007	30/52	31/22		64B32-6.005	31/12		31/19
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64B15-7.009	30/52	31/22		64B33-3.001	31/22		
64B15-7.012	30/52	31/22		64B33-5.003	31/22		
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64B16-26.601	30/52			64C-4.003	30/29		
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64B16-27.1001	30/50			64C-27.001	27/17		
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64E-18.008	30/40	31/4		67-50.005	31/17	31/25	
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69O-156.015	31/13				31/26		
69O-156.017	31/13			69O-170.0142	30/46	31/2	
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