

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

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

RULE CHAPTER NO.: 5M-2

RULE TITLE: Presumption of Compliance

RULE NO.: 5M-2.003

PURPOSE AND EFFECT: To amend Rule 5M-2.003, F.A.C., to incorporate the most recent version of the BMP manual.

SUBJECT AREA TO BE ADDRESSED: The rule amendment changes the date of the manual incorporated by reference to accurately reflect the most recent revisions.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5M-2.003 Presumption of Compliance.

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices the applicant must:

(1) Conduct an assessment of the subject properties using the Citrus Grower Best Management Practices Checklist incorporated in the document titled Water Quality/Quantity BMPs for Indian River Area Citrus Groves (January, 2005 May 2000).

(2) Submit a Notice of Intent to Implement as outlined in Rule 5M-2.005, F.A.C.

(3) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(4) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New 6-24-02, Amended

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE CHAPTER TITLE: Salary Incentive Program

RULE CHAPTER NO.: 11B-14

RULE TITLE: General Program Provisions

RULE NO.: 11B-14.002

PURPOSE AND EFFECT: To update Training Report form CJSTC-67.

SUBJECT AREA TO BE ADDRESSED: Commission forms.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.22(2)(h) FS.

LAW IMPLEMENTED: 943.22 FS.

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

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

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-14.002 General Program Provisions.

(1) No change.

(2) Career Development Training Program Courses, as defined in subsection 11B-14.001(1), F.A.C., and Advanced Training Program Courses, as defined in subsection 11B-14.001(3), F.A.C., that have been successfully completed, as defined in subsection 11B-14.001(9), F.A.C., by eligible officers, shall be verified by the training center director or designee, as defined in paragraph 11B-21.005(8)(a), F.A.C. To verify successful completion of a Commission-approved

Advanced or Career Development Training Program Course and to authorize salary incentive payments, a Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, shall be electronically transmitted to Commission staff through the Commission's ATMS.

(3) through (15) No change.

Specific Authority 943.03(4), 943.12(1), 943.22(2)(h) FS. Law Implemented 943.22 FS. History--New 10-16-78, Amended 9-11-79, 1-13-81, 5-16-83, 1-7-85, Formerly 11B-14.02, Amended 7-13-87, 9-3-87, 5-23-88, 5-14-92, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Criminal Justice Standards and Training Trust Fund  
 RULE CHAPTER NO.: 11B-18  
 RULE TITLE: Regional Training Areas  
 RULE NO.: 11B-18.004  
 PURPOSE AND EFFECT: To add two new Commission-certified criminal justice training schools for Regions IX and X.

SUBJECT AREA TO BE ADDRESSED: Commission-certified criminal justice training schools.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(2) FS.

LAW IMPLEMENTED: 943.25(5) 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:

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-18.004 Regional Training Areas.

For the purposes of Officer Training Monies activities, there are established the following sixteen regional training areas:

- (1) through (8) No change.
- (9) Region IX.
- (a) No change.

(b) Commission-certified training schools within Region IX: Hillsborough Community College Criminal Justice Institute, Manatee Technical Institute Criminal Justice Academy, Manatee Sheriff's Office Training Center, Pasco-Hernando Community College/Pasco-Hernando Police Academy, and St. Petersburg Junior College Southeastern Public Safety Institute.

(10) Region X.

(a) No change.

(b) Commission-certified training schools within Region X: Sarasota County Technical Institute/Sarasota Criminal Justice Academy, and Lee County Vocational High Technical Center (Central)/Southwest Florida Public Service Criminal Justice Academy.

(11) through (16) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.25(5) FS. (Supp. 1998). History--New 1-13-81, Amended 7-28-82, 1-7-85, Formerly 11B-18.04, Amended 7-13-87, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, \_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Certification of Criminal Justice Training Instructors  
 RULE CHAPTER NO.: 11B-20

DEFINITIONS AND MINIMUM REQUIREMENTS FOR GENERAL CERTIFICATION OF INSTRUCTORS	11B-20.001
MINIMUM REQUIREMENTS FOR HIGH-LIABILITY AND SPECIALIZED TOPICS INSTRUCTOR CERTIFICATION	11B-20.0014
INSPECTION OF INSTRUCTOR CERTIFICATION APPLICATIONS	11B-20.0016
MAINTENANCE AND DURATION OF INSTRUCTOR CERTIFICATIONS	11B-20.0017

PURPOSE AND EFFECT: To update Commission forms; remove the requirement of completing courses in a specific sequence for obtaining certification as a high-liability instructor; clarify existing rule language; remove the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program from the list of programs that require a certified law topics instructor; clarify that instructor renewal dates shall not change when adding additional instructor certification topics; and add the specific date of March 31st for renewal of instructor certifications.

SUBJECT AREA TO BE ADDRESSED: Commission forms; high-liability instructor certification; instructor certification topics; obsolete training programs; and instructor renewal deadline.

SPECIFIC AUTHORITY: 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS.

LAW IMPLEMENTED: 120.60(1), 943.12(3),(9), 943.13(6), 943.14(3) FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-20.001 Definitions and Minimum Requirements for General Certification of Instructors.

(1) Definitions:

(a) "Successful completion" of a course is documented as a "Pass" on the completed Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

(b) through (g) No change.

(2) Instructor applicants applying for instructor certification shall:

(a) Complete the Instructor Certification Application, form CJSTC-71, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference;

(b) through (c) No change.

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.14(3) FS. History--New 7-21-82, Formerly 11B-20.01, Amended 10-26-88, 5-14-92, 12-8-92, 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-20.0014 Minimum Requirements for High-Liability and Specialized Topics Instructor Certification.

(1) No change.

(2) High-Liability Instructor Certifications. Instructor applicants, who apply for a High-Liability Instructor Certification, shall have completed the applicable High-Liability Instructor Course within four years of the date the instructor applicant applies for certification. Instructor applicants, who apply for a High-Liability Instructor Certification more than four years from the date training was completed, shall complete an internship and demonstrate the

proficiency skills applicable to the high-liability topic. Instructor applicants shall meet the following requirements for High-Liability Instructor Certification for each topic requested.

(a) No change.

(b) CMS Vehicle Operations Instructor Certification. Instructor applicants who request to obtain certification to instruct vehicle operations topics in Commission-approved Basic Recruit Training Programs, the CMS Vehicle Operations Instructor Course, and CMS Vehicle Operations Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(c) No change.

(d) CMS Firearms Instructor Certification. Instructor applicants who request to obtain certification to instruct firearms topics in Commission-approved Basic Recruit Training Programs, the CMS Firearms Instructor Course, and CMS Firearms Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(e) No change.

(f) CMS Defensive Tactics Instructor Certification. Instructor applicants who request to obtain certification to instruct defensive tactics topics in Commission-approved Basic Recruit Training Programs, the CMS Defensive Tactics Instructor Course, and CMS Defensive Tactics Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ one of the following training courses through a training school:

(g) No change.

(h) CMS First Aid Instructor Certification. These individuals shall possess a valid CPR instructor certification, which is at minimum, at the BLS "Healthcare Provider Level" with the American Heart Association, "CPR for the Professional Rescuer" with the American Red Cross, and American Safety and Health Institute, or "Advanced First Aid and CPR" with the National Safety Council. Instructor applicants who request to obtain certification to instruct the CMS First Aid for Criminal Justice Officers Course in Commission-approved Basic Recruit Training Programs, the CMS First Aid Instructor Course, and CMS First Aid Instructor Transition Course, shall comply with the requirements for CMS General Instructor Certification pursuant to paragraph 11B-20.001(3)(b), F.A.C., and prior to successfully complete ~~completing~~ the following training courses through a training school:

(3) Specialized Topics Instructor Certifications. To obtain certification to instruct in specialized topics, the instructor applicant shall meet the following requirements for each specialized topic requested:

(a) Law Topics Instructor Certification for Traditional Basic Recruit Training Programs. Instructor applicants who request to obtain certification to instruct Commission-approved law topics of Arrest Laws, Attempt, Conspiracy and Solicitation, Burden of Proof, Civil and Criminal Liability, Classification of Offenses, Constitutional Law, Constitutional Law Overview, Court Rules and Trial Procedures, Court Structure, Elements of a Crime, Evidence Concepts, Evidence Rules, Intent, Legal Defense, Legal Show-up, Legal Line-up, Parties to a Crime, Probable Cause, Search and Seizure Concepts, Stop and Frisk Laws, and Use of Force, shall possess substantial law training and experience of a minimum of fifteen semester hours or college credit law courses, to include constitutional law and criminal law with a grade of "C" or above, and possesses six months of criminal justice experience. The following Commission-approved Basic Recruit Training Programs require certified law topic instructors:

1. through 4. No change.

~~5. Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program.~~

~~5.6. Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program.~~

~~6.7. Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program.~~

~~7.8. Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program.~~

~~8.9. Law Enforcement Auxiliary Officer Basic Recruit Training Program.~~

~~9.10. Correctional Auxiliary Officer Basic Recruit Training Program.~~

~~10.11. Correctional Probation Auxiliary Officer Basic Recruit Training Program.~~

~~12. Law topics in the Commission approved Basic Recruit Training Programs that require a law topics certified instructor.~~

(b) Speed Measurement Instructor Certifications. To be certified to instruct speed measurement training courses, an instructor applicant is required to complete the following training:

1. Radar Instructor Certification. An instructor applicant shall successfully complete the Radar Speed Measurement Instructor Course for Law Enforcement Officers at a training school, with the results recorded on a Laser and Radar Speed Measurement Device Instructor Field Evaluation, form CJSTC-10, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference.

2. No change.

(c) through (d) No change.

Specific Authority 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 943.12(3),(9), 943.13(6), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, \_\_\_\_\_.

11B-20.0016 Inspection of Instructor Certification Applications.

(1) through (2) No change.

(3) The effective date of the instructor certification shall be the date the application is approved by Commission staff. Application for additional instructor certification topics shall be made pursuant to Rules 11B-20.001 and 11B-20.0014, F.A.C. An instructor's renewal date shall not change with the addition of instructor certification topics. Any additional instructor certification topics applied for within six months of the instructor's renewal deadline shall automatically renew on the renewal deadline.

(4) No change.

Specific Authority 120.60(1), 943.03(4), 943.12(1), 943.14(3) FS. Law Implemented 120.60(1), 943.12(3),(9), 943.14(3) FS. History—New 7-29-01, Amended 11-5-02, 11-30-04, \_\_\_\_\_.

11B-20.0017 Maintenance and Duration of Instructor Certifications.

Documentation for instructors shall be maintained in the instructor's file at the respective training school or agency. Additionally, the training school or agency shall submit or transmit to Commission staff, through the Commission's ATMS, an Instructor Compliance Application, form CJSTC-84, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, to verify compliance with the mandatory retraining requirements. Instructors whose Traditional General Instructor Certification or CMS General Instructor Certification has lapsed shall complete the General Instructor Refresher Course. Instructors whose High-Liability Instructor Certification has lapsed shall demonstrate proficiency skills in the applicable high-liability topic. Instructors whose Specialized Topics Instructor Certification has lapsed shall complete an internship in the applicable high-liability topic.

(1) Instructors shall successfully complete the instructional, proficiency, and continuing education requirements outlined below every four years. The expiration of an instructor's certification shall be March 31st of the fourth year following the instructor's initial certification.

Example:

<u>Original Instructor Certification Date</u>	<u>November 21, 2005</u>
<u>Instructor Four-year Anniversary Date</u>	<u>November 21, 2009</u>
<u>Instructor Renewal Deadline</u>	<u>March 31, 2010</u>

~~(2)(+)~~ Instructors shall maintain Good Moral Character Standards pursuant to paragraph 11B-20.0012(2)(c), F.A.C.

~~(3)(2)~~ Traditional General Instructor Certification. Instructors who possess a Traditional General Instructor Certification shall instruct in a Traditional Basic Recruit Training Program Course, Advanced Training Program



from the Commission’s driving facility requirement shall ensure that vehicle operation training exercises can be safely and effectively performed.

(5) through (11) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(3),(7), 943.14, 943.17(1)(g) FS. History–New 7-21-82, Formerly 11B-21.05, Amended 1-28-86, 8-30-89, 12-24-89, 6-3-91, 12-13-92, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE: Certification and Employment  
 RULE CHAPTER NO.: 11B-27

or Appointment  
 RULE TITLES: Moral Character  
 RULE NOS.: 11B-27.0011

Certification, Employment or Appointment,  
 Reactivation, and Terminating Employment

or Appointment of Officers  
 11B-27.002

Maintenance of Officer Certification 11B-27.00212

Temporary Employment Authorization 11B-27.00213

Background Investigations 11B-27.0022

Revocation or Disciplinary Actions;  
 Disciplinary Guidelines; Range of

Penalties; Aggravating and  
 Mitigating Circumstances 11B-27.005

Canine Team Certification 11B-27.013

PURPOSE AND EFFECT: To update Commission forms; revise moral character offenses; revise officer discipline penalty guidelines and range of penalties; add rule language for the mandatory requirement to complete the Law Enforcement Officer Firearms Qualification Standard every two years; and add a time line for submitting certification eligibility form CJSTC-59.

SUBJECT AREA TO BE ADDRESSED: Commission forms; moral character offenses; officer discipline penalty guidelines; range of officer discipline penalties; and certification eligibility.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1), 943.133(3) FS.

LAW IMPLEMENTED: 943.12, 943.12(3),(17), 943.13, 943.13(7), 943.13(11), 943.131, 943.133, 943.135, 943.139, 943.1395, 943.1395(3),(7),(8), 943.1701, 943.1715, 943.1716, 943.253 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-27.0011 Moral Character.

(1) through (3) No change.

(4) For the purposes of the Criminal Justice Standards and Training Commission’s implementation of any of the penalties specified in Sections 943.1395(6) or (7), F.S., a certified officer’s failure to maintain good moral character required by Section 943.13(7), F.S., is defined as:

(a) through (b) No change.

(c) The perpetration by an officer of acts or conduct that constitute the following offenses:

1. through 11. No change.

~~12. Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty with the intent to mislead or deceive. “Agency duty” means any duty as defined by the agency head, or his or her designee.~~

~~12.13. Intentional abuse of a Temporary Employment Authorization, pursuant to Section 943.131(1), F.S., pursuant to Rule 11B-27.00225, F.A.C., or is consistent with and indicative of the ingestion of a controlled substance pursuant to Chapter 893, F.S., and not having a specific nanogram level listed in Rule 11B-27.00225, F.A.C., shall be an affirmative defense to this provision to establish that any such ingestion was lawful. Any test of this kind relied upon by the Commission for disciplinary action, shall comply with the requirements for reliability and integrity of the testing process pursuant to Rule 11B-27.00225, F.A.C.~~

(5) through (8) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.13(7), 943.1395(7) FS. History–New 1-7-85, Formerly 11B-27.011, Amended 7-13-87, 10-25-88, 12-13-92, 9-5-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 4-11-04, 11-30-04,\_\_\_\_\_.

11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers.

(1) No change.

(2) The employing agency head is required, within 30 days of hire, to submit to Commission staff or electronically transmit through the Commission’s Automated Training Management System (ATMS), and maintain in file a Registration of Employment Affidavit of Compliance, form

CJSTC-60, revised February 7, 2002, hereby incorporated by reference, attesting to compliance by the employing agency with the following requirements:

(a) For law enforcement, correctional, and correctional probation officer applicants who have not been previously certified and who have complied with the certification requirements pursuant to Sections 943.13(1)-(10), F.S., the employing agency shall certify to the Commission that the applicant is eligible for certification by submitting to Commission staff or electronically transmitting through the Commission's Automated Training Management System (ATMS), a completed Officer Certification Application, form CJSTC-59, revised February 7, 2002, hereby incorporated by reference, within 30 days of the applicant's compliance with the certification requirements. Upon receipt of an Officer Certification Application Deficiency Notification, form CJSTC-259, revised May 5, 2005 ~~February 7, 2002~~, the employing agency shall maintain on file, a copy of form CJSTC-59 and any other employment documentation. The employing agency shall submit a copy of form CJSTC-259 and the missing or deficient documentation to Commission staff within 90 days of the date the form was signed and issued to the agency. Failure by the employing agency to submit missing or deficient documentation within the required 90 days may result in denial of an applicant's request for certification. An officer applicant shall not work in a sworn capacity prior to meeting the requirements of Sections 943.13 and 943.131, F.S.

(b) No change.

(3) Employment requirements pursuant to Section 943.13, F.S., shall be documented on an Agency New Hire Report, form CJSTC-207, revised February 7, 2002, hereby incorporated by reference.

(a) The files of newly hired officers are subject to an on-site inspection by Commission staff to ensure compliance with the requirements of Chapter 943, F.S., and Rule Chapter 11B-27, F.A.C. The following documents shall be reviewed for completeness:

1. through 10. No change.

11. An Equivalency-of-Training, form CJSTC-76, revised May 6, 2004, and an Equivalency-of-Training Proficiency of Demonstration, form CJSTC-76A, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference for previous Florida and out-of-state, federal, or military officers, if the officer utilized this training option.

12. through 15. No change.

(4) through (6) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.133, 943.139, 943.1395 FS. History--New 10-6-82, Amended 4-26-84, 1-7-85, Formerly 11B-27.02, Amended 9-3-87, 3-29-89, 5-14-92, 12-13-92, 9-5-93, 1-19-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-27.00212 Maintenance of Officer Certification.

(1) through (3) No change.

(4) Continuing education or training pursuant to Section 943.135, F.S. Upon an officer's completion of the required continuing education or training the employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed Mandatory Retraining Report, form CJSTC-74, revised May 5, 2005 ~~February 7, 2002~~, hereby incorporated by reference.

(5) through (14) No change.

(15) Law Enforcement Officer Firearms Qualification Standard. Beginning July 1, 2006, a law enforcement officer shall be required to qualify on the Commission's approved course of fire with the proficiency skills documented on the Law Enforcement Officer Firearms Qualification Standard form, CJSTC-86A, created August 4, 2005, hereby incorporated by reference, and maintained in the officer's employment file.

(a) A certified law enforcement officer who fails to demonstrate proficiency skills on the required firearms qualification standard shall not perform the duties of a sworn officer.

(b) Reporting of the compliance with this standard shall be June 30, 2008, and every two years thereafter. Documentation supporting the demonstration of proficiency skills shall be reported on the Mandatory Firearms Training Report Form CJSTC-86, created August 4, 2005, hereby incorporated by reference, and maintained in the officer's employment file. The employing agency shall submit or electronically transmit to Commission staff through the Commission's ATMS, a completed form CJSTC-86.

(c) In the event a certified law enforcement officer fails to meet this standard by June 30 of each reporting year, the officer's certificate shall become inactive until the employing agency provides documentation to Commission staff establishing that the firearms qualification standard has been satisfied.

(d) The certificate of a law enforcement officer shall become inactive if the officer has separated from employment or appointment and is not reemployed or reappointed within the two-year reporting cycle. The officer will be required to comply with the firearms qualification standard upon employment or appointment.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12, 943.13(11), 943.135, 943.1395(3), 943.1701, 943.1715, 943.1716, 943.253 FS. History--New 11-5-02, Amended 12-3-03, 11-30-04,\_\_\_\_\_.

11B-27.00213 Temporary Employment Authorization.  
 A Certificate of Compliance shall not be issued to officers employed on a Temporary Employment Authorization (TEA) prior to meeting the requirements of Sections 943.13(1)-(10), F.S.

(1) No change.

(2) An agency head is authorized to request to waive the firearms training requirement for a TEA by placing a statement in the officers file at the employing agency, which has been signed by the agency head, confirming that the TEA appointed officer shall not be permitted to carry a firearm until the following classroom training requirements have been fulfilled:

(a) No change.

(b) Firearms Range Training. The trainee's proficiency demonstration shall be documented on a CMS Firearms Performance Evaluation, form CJSTC-4 CMS, revised May 5, 2005 ~~created May 6, 2004~~, hereby incorporated by reference, and maintained in the trainee's file at the employing agency. The instructor shall qualify the trainee with a handgun using the Commission's Basic Recruit Training Firearms Course of Fire, pursuant to form CJSTC-4 CMS, and the form shall be maintained in the trainee's file at the employing agency. Trainees shall fire a long gun as prescribed in the Commission-approved Basic Recruit Training Program.

(3) through (5) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.13, 943.131, 943.133, 943.139, 943.1395, 943.17(1)(a) FS. History--New 11-5-02, Amended 11-30-04, \_\_\_\_\_.

11B-27.0022 Background Investigations.

(1) No change.

(2) The employing agency shall, at a minimum, use the following background investigation procedures:

(a) No change.

(b) Obtain previous employment data from prior employers. Criminal justice agencies conducting background investigations have the option of using the Authority for Release of Information, form CJSTC-58, revised May 5, 2005 ~~May 6, 2004~~, pursuant to Sections 943.134(2) and (4), F.S., hereby incorporated by reference.

(c) through (e) No change.

(3) No change.

Specific Authority 943.03(4) 943.12(1), 943.133(3) FS. Law Implemented 943.133, 943.139 FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.022, Amended 7-13-87, 10-17-90, 5-13-92, 5-14-92, 12-13-92, 9-5-93, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 11-5-02, 11-30-04, \_\_\_\_\_.

11B-27.005 Revocation or Disciplinary Actions; Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (4) No change.

(5) When the Commission finds that a certified officer has committed an act that violates Section 943.13(7), F.S., the Commission shall issue a final order imposing penalties within the ranges recommended in the following disciplinary guidelines:

(a) No change.

(b) For the perpetration by the officer of an act that would constitute any of the misdemeanor offenses, pursuant to paragraph 11B-27.0011(4)(b), F.A.C., but where there was not a violation of Section 943.13(4), F.S., the action of the Commission shall be to impose a penalty ranging from probation of certification to suspension of certification. Specific violations and penalties that shall be imposed, absent aggravating or mitigating circumstances, include the following:

1. through 9. No change.

Violation	Recommended Penalty Range
10. Driving or boating under the influence (316.193 and 327.35, F.S.) <u>Second DUI Offense</u>	Probation with substance abuse counseling <u>Prospective suspension to revocation</u>

11. through 12. No change.

(c) For the perpetration by the officer of an act or conduct, as described in paragraph 11B-27.0011(4)(c), F.A.C., if such act or conduct does not constitute a crime described in paragraphs (5)(a)-(b) of this rule section, the action of the Commission shall be to impose the following penalties, absent aggravating or mitigating circumstances:

1. through 11. No change.

Violation	Recommended Penalty Range
12. <u>Making a false statement(s) of fact, under oath, as to misconduct related to an agency duty, as defined in subparagraph 11B-27.0011(4)(c)12, F.A.C., with the intent to mislead or deceive</u>	<u>Suspension to revocation</u>
<del>12-13.</del> Conduct that subverts or attempts to subvert the Basic Abilities Test process pursuant to paragraphs 11B-35.0011(1)(a)-(f), F.A.C.	Revocation

(d) No change.

(6) through (10) No change.

Specific Authority 943.03(4), 943.12(1) FS. Law Implemented 943.12(3), 943.1395(8) FS. History--New 10-6-82, Amended 1-7-85, Formerly 11B-27.05, Amended 3-29-89, 12-13-92, 2-17-93, 1-19-94, 8-7-94, 11-5-95, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 4-11-04, 11-30-04, \_\_\_\_\_.





(6) The Commission shall ensure the security of the test site for the SOCE by prohibiting applicants from signing in to the test area with anything other than the Commission-approved Examination Admission Voucher CJSTC-517 an applicant identification, and pencils, certificate of completion, Equivalency of Training Proficiency Demonstration form CJSTC-76A, revised May 6, 2004, hereby incorporated by reference, or other documentation required by the Commission. An applicant who is found with items in their possession, other than described herein, shall be in violation of subsections (1)-(3) of this rule section and shall be subject to discipline as described in subsection (5) of this rule section. Violation of this subsection shall be documented as provided in subsection (4) of this rule section.

Specific Authority 943.03(4), 943.12(1),(18), 943.173(3) FS. Law Implemented 943.12(17), 943.13(7), 943.1397(3), 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-30.011 Examination Scoring and Grade Notification. Individuals who graduate from a Commission-approved Basic Recruit Training Program shall be required to achieve a passing score on the State Officer Certification Examination (SOCE) with an overall scale score equal to or higher than the established cut-off score. Commission staff shall notify the applicant, within thirty days of the test date, on an Applicant State Officer Certification Examination Overall Test Results, form CJSTC-516, revised May 5, 2005 February 7, 2002, hereby incorporated by reference. The SOCE is an entry-level competency examination and therefore examination results are reported as “pass” or “fail” on form CJSTC-516. To protect each examinee’s privacy, only individuals who have taken the SOCE are permitted to obtain their personal numerical score. This score will be available only at a regularly scheduled monthly Examination Review Session held pursuant to subsection 11B-30.012(2), F.A.C.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(17), 943.1397(1) FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-30.012 Post Review of Examination Questions, Answers, Papers, Grades, and Grading Key.

(1) Individuals who have failed the State Officer Certification Examination (SOCE) shall have the right to review their examination results by submitting a State Officer Certification Examination Grade Review Request, form CJSTC-510, revised May 5, 2005 February 7, 2002, hereby incorporated by reference. To be eligible to file form CJSTC-510, pursuant to Rule 11B-30.013, F.A.C., the form shall be submitted to Commission staff within forty-five calendar days of the individual’s SOCE date. Individuals who fail to meet the forty-five day deadline shall not be allowed to file a challenge, but may review the SOCE results.

(2) The SOCE grade reviews shall be conducted in the presence of Commission staff at a regularly scheduled monthly Examination Review Session conducted at the Florida

Department of Law Enforcement, Criminal Justice Professionalism Program. The SOCE grade review schedule is produced annually and is available at Commission-certified training schools, the Florida Department of Law Enforcement’s (FDLE) website at <http://www.fdle.state.fl.us>, or from FDLE, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention SOCE Section. Individuals shall be scheduled to review their SOCE grades within forty calendar days of Commission staff’s receipt of the completed form CJSTC-510. Participants in the Examination Review Session shall be permitted to review only one examination for each session.

(a) No change.

(b) Individuals requesting a grade review shall be provided with the SOCE test results and the State Officer Certification Examination Review, form CJSTC-511, revised May 5, 2005 May 6, 2004, hereby incorporated by reference. Form CJSTC-511 shall be signed by the individual requesting the review at the conclusion of an Examination Review Session. Only individuals scheduled for the Examination Review Session shall be present during an Examination Review Session.

(c) No change.

(3) through (4) No change.

Specific Authority 943.03(4), 943.12(1),(18) FS. Law Implemented 943.12(17), 943.173 FS. History--New 1-10-94, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Training Programs	11B-35
RULE TITLES:	RULE NOS.:
General Training Programs; Requirements and Specifications	11B-35.001
Basic Recruit Training Programs for Law Enforcement, Correctional and Correctional Probation	11B-35.002
Student Performance in Commission-Approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses	11B-35.0024
Basic Recruit Training Programs for Law Enforcement, Correctional and Correctional Probation	
Auxiliary Training	11B-35.003
Advanced Training Program	11B-35.006
Specialized Training Program	11B-35.007
Exemption from Basic Recruit Training	11B-35.009
PURPOSE AND EFFECT: To update Commission forms, decrease course hours in the Traditional Correctional Basic Recruit Training Program and cross-over training programs; retire the Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training program and include provisions	

for completion of the program prior to implementation of the new CMS Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program; correct basic recruit training program course names; remove erroneous rule language; revise and add advance and specialized training program courses.

SUBJECT AREA TO BE ADDRESSED: Commission forms; basic recruit training programs and courses for law enforcement, correctional, and correctional probation; and advanced specialized training program courses.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1),(2), 943.17 FS.

LAW IMPLEMENTED: 943.12, 943.12(5), 943.131(2), 943.17, 943.175, 943.17(1), 943.17(1)(a), 943.25 FS.

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

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

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Pursuant with 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 days prior to the workshop by contacting: Donna Hunt, (850)410-8615 or TDD Number (850)656-9597.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8615

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11B-35.001 General Training Programs; Requirements and Specifications.

(1) through (6) No change.

(7) Student performance in courses.

(a) Each training school shall make available to its students and Commission staff a written copy of its performance standards.

(b) A student enrolled in a Commission-approved Basic Recruit Training Program shall achieve a score of no less than 80% on each of the end-of-course examinations, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses. A student enrolled in a Commission-approved Advanced or Specified Specialized Training Program Course shall achieve a score of no less than

75% on the end-of-course examination, exclusive of demonstration of proficiency skills in the High-Liability Basic Recruit Training Courses.

(c) through (e) No change.

(8) No change.

(9) Field-test of the CMS Application-Based Basic Recruit Training Program. The Criminal Justice Standards and Training Commission is currently developing and evaluating the CMS Application-Based Basic Recruit Training Programs for use as a basic recruit training program for criminal justice officers. These programs are based on a statewide job-task analysis of each of the criminal justice disciplines, and provide an enhanced learning environment for the student, through lesson plans provided for each module, and ensure a "standardized delivery" of statewide training curricula. A CMS Field-Test utilizing a classroom environment with student participation is necessary to evaluate the program before certain course criteria can be established and final rules adopted. To accomplish these goals:

(a) through (f) No change.

(g) Not withstanding subsection 11B-27.002(4), F.A.C., a basic recruit student enrolled in a Commission-approved Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program with a beginning date prior to April 1, 2005, shall be allowed to continue in the program until the student successfully completes, fails, or withdraws from the program.

1. A basic recruit student who is unable to graduate from a Commission-approved Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program because of failure to achieve a passing score on the end-of-course examination(s), pursuant to subsection 11B-35.001(7), F.A.C., shall be granted a re-test for each course failed.

2. The re-examination provisions outlined for a basic recruit student in subsection (12) of this rule section shall not apply.

3. A basic recruit student who meets the conditions stated in this rule section shall have successfully passed the end-of-course examination(s) by March 31, 2006.

(10) Reporting requirements for Commission-approved Basic Recruit, Advanced, and Specialized Training Program Courses are as follows:

(a) The training center director or designee shall determine the beginning and ending dates of each Basic Recruit Training Program, and thirty days following the class starting date shall forward a Training Report, form CJSTC-67, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, to Commission staff through the Commission's Automated Training Management System (ATMS).

- (b) through (c) No change.
- (11) through (15) No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, \_\_\_\_\_.

**11B-35.002 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation.**

(1) There are established by the Criminal Justice Standards and Training Commission, Basic Recruit Training Programs that provide the minimum required knowledge and proficiency skills necessary for officer employment and certification pursuant to Sections 943.10(1)-(3), F.S. Individuals who apply for employment as a Florida law enforcement, correctional, or correctional probation officer, shall successfully complete one of the following Commission-approved Basic Recruit Training Programs:

- (a) Traditional Law Enforcement Basic Recruit Training Program (Retired June 30, 2004) 672.0 hours
- (b) Traditional Correctional Basic Recruit Training Program 532.0 hours
- (c) Traditional Correctional Probation Basic Recruit Training Program 412.0 ~~424.0~~ hours
- (d) CMS Application-Based Law Enforcement Basic Recruit Training Program 760.0 hours
- (e) Traditional Law Enforcement to Correctional Basic Recruit Cross-Over Training Program 156.0 hours
- (f) Traditional Law Enforcement to Correctional Probation Basic Recruit Cross-Over Training Program 134.0 ~~+50.0~~ hours
- (g) Traditional Correctional to Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 30, 2005) ~~302.0~~ hours
- (h) Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program 434.0 hours
- (i)(h) Traditional Correctional to Correctional Probation Basic Recruit Cross-Over Training Program 168.0 ~~+80.0~~ hours
- (j)(f) Traditional Correctional Probation to Correctional Basic Recruit Cross-Over Training Program 412.0 hours
- (k)(f) Traditional Correctional Probation to Law Enforcement Basic Recruit Cross-Over Training Program 256.0 hours
- (l)(k) Law Enforcement Auxiliary Officer Basic Recruit Training Program 294.0 hours
- (m)(f) Correctional Auxiliary Officer Basic Recruit Training Program 254.0 hours
- (n)(m) Correctional Probation Auxiliary Officer Basic Recruit Training Program. To become certified as a Correctional Probation Auxiliary Officer, pursuant to subsection 11B-35.003(7), F.A.C., a basic recruit student shall complete the Correctional Probation Basic Recruit Training Program, pursuant to paragraph (8)(c) of this rule section.

- (2) through (7) No change.

(8) Commission-approved Basic Recruit Training Programs. Pursuant to Section 943.12, F.S., Commission-approved Basic Recruit Training Programs establish the minimum required entry-level training for law enforcement, correctional, and correctional probation officers. Individuals who are requesting employment as an officer, and have not had previous basic recruit training or have not been certified as an officer in the discipline for which certification is sought, and have met the requirements of Sections 943.13(1)-(8) and (11), 943.14(7), and 943.17(1)(g), F.S., shall

successfully complete a Commission-approved Basic Recruit Training Program pursuant to this rule section. The Commission's Basic Recruit Training Programs are:

- (a) No change.
- (b) Traditional Correctional Basic Recruit Training Program:

	Course Name	Course Number	Course Hours
1.	Criminal Justice Legal 1	CJD_770	46.0
2.	Criminal Justice Legal 2	CJD_771	22.0
3.	Criminal Justice Communications	CJD_772	42.0
4.	Interpersonal Skills 1	CJD_773	62.0
5.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
6.	CMS Criminal Justice Firearms	CJK_0040	80.0
7.	CMS First Aid for Criminal Justice Officers	CJK_0031 <del>0030</del>	40.0
8.	Interpersonal Skills 2	CJD_750	50.0
9.	Emergency Preparedness	CJD_741	26.0
10.	Correctional Operations	CJD_752	64.0
11.	CMS Criminal Justice Special Topics, Module 15	CJK_0095	20.0
	TOTAL		532.0

- (c) Traditional Correctional Probation Basic Recruit Training Program:

	Course Name	Course Number	Course Hours
1.	Correctional Probation Legal	CJD_790	60.0
<del>2.</del>	<del>Correctional Probation Operations</del>	<del>CJD_791</del>	<del>16.0</del>
<del>2.3.</del>	Correctional Probation Interpersonal Skills	CJD_792	68.0
<del>3.4.</del>	Correctional Probation Communication Skills	CJD_793	70.0
<del>4.5.</del>	Correctional Probation Supervision	CJD_794	<del>58.0</del> 54.0
<del>5.6.</del>	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
<del>6.7.</del>	CMS Correctional Probation Firearms	<del>CJK_0255 TBA</del>	16.0
<del>7.8.</del>	CMS First Aid for Criminal Justice Officers	CJK_0031 <del>0030</del>	40.0
<del>8.9.</del>	Criminal Justice Special Topics, <del>Module 15</del>	CJK_0095	20.0
	Total		<u>412.0</u> <del>424.0</del>

- (d) CMS Application-Based Law Enforcement Basic Recruit Training Program:

	Course Name	Course Number	Course Hours
1.	Introduction and Law	CJK_0006	67.0
2.	Human Issues	CJK_0010	50.0
3.	Communications	CJK_0015	77.0
4.	CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5.	CMS First Aid for Criminal Justice Officers	CJK_0031 <del>0030</del>	40.0
6.	CMS Criminal Justice Firearms	CJK_0040	80.0
7.	CMS Criminal Justice Defensive Tactics	CJK_0050	80.0
8.	Patrol	CJK_0060	57.0
9.	Investigations	CJK_0070	53.0
10.	Investigating Offenses	CJK_0075	40.0
11.	Traffic Stops	CJK_0080	62.0
12.	Traffic Crash Investigations	CJK_0085	32.0
13.	Tactical Applications	CJK_0090	<u>54.0</u> <del>44.0</del>
14.	Criminal Justice Special Topics	CJK_0095	20.0
	Total		760.0

(9) Commission-approved Basic Recruit Cross-Over Training Programs. The Commission has established basic recruit cross-over training programs to provide lateral movement of officers between criminal justice disciplines.

(a) through (d) No change.

(e) Traditional Law Enforcement to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A law enforcement officer shall complete the following courses to cross-over from the "Law Enforcement Discipline" to the "Correctional Probation Officer Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Law Enforcement to Correctional Probation 1	CJD_735	66.5
2. Cross-Over Law Enforcement to Correctional Probation 2	CJD_736	67.5
3. Correctional Probation Operations	CJD_791	16.0
Total		134.0 +50.0

(f) Traditional Correctional to Traditional Law Enforcement Basic Recruit Cross-Over Training Program (Retired March 30, 2005). A correctional officer shall complete the following courses to cross-over from the "Correctional Discipline" to the "Law Enforcement Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Correctional to Law Enforcement	CJD_781	48.0
2. Law Enforcement Legal 3	CJD_730	32.0
3. Law Enforcement Patrol	CJD_731	64.0
4. Law Enforcement Traffic	CJD_732	46.0
5. CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
6. Law Enforcement Investigations	CJD_734	64.0
Total		302.0

(g) Traditional Correctional to CMS Law Enforcement Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the "Correctional Discipline" to the "Law Enforcement Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Correctional to CMS Law Enforcement Introduction	CJK_0211	94.0
2. Cross-Over Correctional to Law Enforcement CMS High-Liability (End-of-course examination is not required for CJK_0212)	CJK_0212	8.0
3. Cross-Over Correctional to Law Enforcement Tactical Applications	CJK_0213	40.0
4. CMS Law Enforcement Vehicle Operations	CJK_0020	48.0
5. Patrol	CJK_0060	57.0
6. Investigations	CJK_0070	53.0
7. Investigating Offenses	CJK_0075	40.0
8. Traffic Stops	CJK_0080	62.0
9. Traffic Crash Investigations	CJK_0085	32.0
Total		434.0

(h)(g) Traditional Correctional to Traditional Correctional Probation Basic Recruit Cross-Over Training Program. A correctional officer shall complete the following courses to cross-over from the "Correctional Discipline" to the "Correctional Probation Discipline":

Course Name	Course Number	Course Hours
1. Cross-Over Correctional Legal to Correctional Probation	CJD_774	30.0
2. Cross-Over Correctional to Correctional Probation	CJD_775	14.0 26.0
3. Correctional Probation Communication Skills	CJD_793	70.0
4. Correctional Probation Supervision	CJD_794	54.0
Total		168.0 +80.0

(i)(h) Traditional Correctional Probation to Traditional Law Enforcement Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the "Correctional Probation Discipline" to the "Law Enforcement Discipline":

1. through 7. No change.

(j)(i) Traditional Correctional Probation to Traditional Correctional Basic Recruit Cross-Over Training Program. A correctional probation officer shall complete the following courses to cross-over from the "Correctional Probation Discipline" to the "Correctional Discipline":

1. through 5. No change.

Specific Authority 943.03(4), 943.12(1),(2), 943.17 FS. Law Implemented 943.12, 943.17 FS. History--New 12-13-92, Amended 1-10-94, 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04, \_\_\_\_\_.

11B-35.0024 Student Performance in Commission-Approved High-Liability Basic Recruit Training Courses and High-Liability Instructor Training Courses.

(1) through (2) No change.

(3) Completion of a high-liability course and demonstration of proficiency in the high-liability topics is required for each of the following courses: CMS Criminal Justice Defensive Tactics Course, CMS Defensive Tactics Instructor Courses, CMS Criminal Justice Firearms Course, CMS Firearms Instructor Courses, CMS Law Enforcement Vehicle Operations Course, CMS Vehicle Operations Instructor Courses, CMS First Aid for Criminal Justice Officers Course, and CMS First Aid Instructor Courses.

(a) through (b) No change.

(c) CMS Criminal Justice Firearms Course.

1. No change.

2. A basic recruit student shall demonstrate the required Firearms High-Liability Proficiency Skills at 80% or higher using a handgun (revolver or semi-automatic pistol for both daylight and night), with the results recorded on the required CMS Firearms Performance Evaluation form CJSTC-4 CMS, revised May 5, 2005 created May 6, 2004, hereby incorporated by reference.

3. No change.

(d) through (f) No change.

(g) CMS Law Enforcement Vehicle Operations Course.

1. The CMS Law Enforcement Vehicle Operations Course shall be delivered to students enrolled in a Commission-approved Basic Recruit Training Program.

2. A basic recruit student shall demonstrate the required Vehicle Operations Proficiency Skills with four out of five runs (80%) for each exercise, with the results recorded on the required CMS Vehicle Operations Performance Evaluation, form CJSTC-7 CMS, revised May 5, 2005 ~~created May 6, 2004~~, hereby incorporated by reference.

(h) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12, 943.17 FS. History--New 2-17-93, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-35.003 Basic Recruit Training Programs for Law Enforcement, Correctional, and Correctional Probation Auxiliary Training.

(1) through (4) No change.

(5) Law Enforcement Auxiliary Officer Basic Recruit Training Program requirements.

(a) Law Enforcement Auxiliary Officer Prerequisite Course topics effective January 1, 1997:

Topic Areas	Course Number	Minimum Hours
1. Administration		1
2. Community Interaction		6
3. Introduction to Basic Law		24
4. Post Crime Considerations		6
5. Introduction to Traffic		5
6. Field Activities		12
7. CMS First Aid for Criminal Justice Officers	CJK_00310030	40
Total Law Enforcement Auxiliary Officer Prerequisite Course Hours		94
(b) CMS Criminal Justice Firearms	CJK_0040	80
(c) CMS Criminal Justice Defensive Tactics	CJK_0050	80
(d) CMS Law Enforcement Vehicle Operations (Optional: Based on employing agency requirements)	CJK_0020	48
Total Law Enforcement Auxiliary Officer Program Hours		302

(6) Correctional Auxiliary Officer Basic Recruit Training Program requirements.

(a) Correctional Auxiliary Officer Prerequisite Course topics effective January 1, 1997:

Topic Areas	Course Number	Minimum Hours
1. Administration		1
2. Legal		24
3. Report Writing		4
4. Safety Issues		4
5. Interpersonal Skills		5
6. Security Procedures and Inmate Supervision		4
7. Equipment		2
8. Facility Movement		4
9. Correctional Operation and Intake Procedures		1
10. Inmate Property		2
11. Search Procedures		3
12. CMS First Aid for Criminal Justice Officers	CJK_0031 0030	40
Total Correctional Auxiliary Officer Prerequisite Course Hours		94
(b) CMS Criminal Justice Firearms	CJK_0040	80
(c) CMS Criminal Justice Defensive Tactics	CJK_0050	80
Total Correctional Auxiliary Officer Program Hours		254

(7) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1)(a) FS. History--New 12-13-92, Amended 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-35.006 Advanced Training Program.

(1) No change.

(2) The following is a complete list of Advanced Training Program Courses:

Course Number	Course Name	Course Hours
006	Line Supervision	80 hours
007	Middle Management	80 hours
011	Developing and Maintaining a Sound Organization	40 hours
012	Planning the Effective Use of Financial Resources	40 hours
013	Building and Maintaining a Sound Behavioral Climate	40 hours
016	Narcotics Identification and Investigation	40 hours
019	Criminal Law	40 hours
020	Case Preparation and Court Presentation	40 hours
032	Special Tactical Problems	40 hours
033	Sex Crimes Investigation	40 hours
036	Injury and Death Investigation	40 hours
047	Interviews and Interrogations	40 hours
050	Stress Awareness and <u>Management Techniques Resolution</u>	40 hours
053	Crisis Intervention	40 hours
054	Organized Crime	40 hours
055	Radar Speed Measurement Training Course for Law Enforcement Officers	40 hours
057	Discipline and Special Confinement Techniques	40 hours
058	Youthful Offender Program	40 hours
068	Advanced Report Writing and Review	40 hours
072	Fire Fighting for Correctional Officers	40 hours
073	Human and Community Relations	40 hours
074	Drug Abuse Awareness and Education	40 hours
077	Underwater Police Science and Technology	80 hours
080	Computer Applications in Criminal Justice	40 hours
085	Emergency Preparedness for Correctional Officers	40 hours
087	Advanced Traffic Accident Investigations	80 hours
088	Traffic Accident Reconstruction	80 hours
090	School Resource Officer	40 hours
091	Domestic Intervention	40 hours
093	Hostage Negotiations	40 hours
094	Drug Abuse Resistance Education (D.A.R.E.) – FDLE instructed only	80 hours
095	Laser Speed Measurement Operators Course for Law Enforcement Officers	40 hours
096	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
094 & 097	Drug Abuse Resistance Education (D.A.R.E.)	40 hours
098	Traffic Homicide Investigation	80 hours
100	Crimes Against the Elderly and Disabled	40 hours
809	*CMS Field Training Officer Program Course (This course is not mandated for field training officers)	40 hours
1100	*Field Training Officer Course for Correctional and Correctional Probation Officers	40 hours
1151	<u>Conducting Background Investigations</u>	40.0 TBA
1152	<u>Investigation and Supervision of Officer Involved Shootings</u>	40.0

\*Officers who are currently receiving salary incentive payment for completion of the Field Training Officer Course number 051, are not eligible to receive additional salary incentive credit for course number 809 or 1100.

(3) through (4) No change.

(5) To successfully complete an Advanced Training Program Course, a student shall comply with student attendance, performance, and course documentation requirements pursuant to Rule 11B-35.001, F.A.C.

(a) No change.

(b) A Laser Operator Performance Report, form CJSTC-9, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, shall be completed for the Laser Speed Measurement Operators Course for Law Enforcement Officers.

(6) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.12(5), 943.17(1) FS. History–New 12-13-92, Amended 1-10-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-35.007 Specialized Training Program.

(1) through (3) No change.

(4) Commission-approved Specialized Training Program Courses developed and approved by the Commission that have not been designated as Commission-approved Advanced Training Program Courses:

(a) through (cc) No change.

	Course Number	Course Names	Course Hours
(dd)	1149	CMS Special Populations Course	32.0
(ee)	1150	CMS Problem-Solving Model: SECURE Specialized Training Course	6.0

(5) through (7) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.175, 943.25 FS. History–New 12-13-92, Amended 8-7-94, 1-2-97, 7-7-99, 8-22-00, 7-29-01, 11-5-02, 11-30-04,\_\_\_\_\_.

11B-35.009 Exemption from Basic Recruit Training.

(1) through (5) No change.

(6) High-Liability Basic Recruit Training proficiency skills requirements for out-of-state, federal, or inactive Florida officers. Prior to applying for certification, an out-of-state or federal officer, or inactive Florida officer, who is exempt from completing a Commission-approved Basic Recruit Training Program, pursuant to Section 943.131(2), F.S., shall demonstrate proficiency in the required High-Liability Basic Recruit Training Proficiency Skills of vehicle operations, firearms, defensive tactics, and first aid, pursuant to Rule 11B-35.0024, F.A.C., for the discipline for which certification is sought. Such officers shall achieve a passing score on the State Officer Certification Examination, pursuant to paragraph 11B-30.008(2)(c), F.A.C. Upon demonstration of proficiency in the required High-Liability Basic Recruit Training Proficiency Skills the training school shall complete an Equivalency-of-Training Proficiency Demonstration, form CJSTC-76A, revised May 5, 2005 ~~May 6, 2004~~, hereby incorporated by reference, and provide a copy of the form to the officer. The training center director or designee shall,

within thirty days of course completion, electronically transmit a completed Training Report form CJSTC-67 through the Commission’s ATMS, or submit an updated form CJSTC-67.

(7) through (8) No change.

Specific Authority 943.03(4), 943.12(1),(2) FS. Law Implemented 943.131(2) FS. History–New 1-2-97, Amended 7-7-99, 11-5-02, 11-30-04,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Implied Consent and Alcohol Testing Program	11D-8
RULE TITLES:	RULE NOS.:
Definitions	11D-8.002
Department Inspection and Registration of Breath Test Instruments	11D-8.004
Agency Inspection of Breath Test Instruments	11D-8.006
Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures	11D-8.007
Breath Test Operator and Agency Inspector	11D-8.008
Denial, Revocation, and Suspension of Permits	11D-8.015
Forms	11D-8.017

PURPOSE AND EFFECT: Proposed revisions to the above rules are necessary to address new instrumentation for use in Florida.

SUBJECT AREA TO BE ADDRESSED: The Department’s rule chapter concerning regulation and implementation of Florida’s implied consent and alcohol testing program. The program rules govern definitions of terminology; regulation of and qualifications for alcohol test permit holders; use and maintenance of breath test instruments.

SPECIFIC AUTHORITY: 316.1932(1)(a)2., 316.1932(1)(f)1., 322.63(3)(a), 327.352(1)(b)3., 327.352(1)(d) FS.

LAW IMPLEMENTED: 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, October 5, 2005  
 PLACE: Florida Department of Law Enforcement, 1819 Miccosukee Commons, Conference Room, Tallahassee, FL  
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Persons needing an accommodation to participate in any proceeding should call (850)410-7900 (Voice) or (850)656-9597 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11D-8.002 Definitions.

(1) through (12) No change.

(13) Authorized Repair Facility – the Department, the breath test instrument manufacturer, or an entity authorized by the breath test instrument manufacturer to service and repair such breath test instrument.

(14) through (26) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-6-99, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

11D-8.004 Department Inspection and Registration of Breath Test Instruments.

(1) through (2) No change.

(3) Department inspections shall be conducted in accordance with Department Inspection Procedures FDLE/ATP Form 35 – Rev. March 2004 for the Intoxilyzer 5000 Series, or Department Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 36 – Rev. August 2005 March 2004 for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 26 – Department Inspection Report – Rev. March 2004 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – March 2004 for the Intoxilyzer 8000.

(4) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

11D-8.006 Agency Inspection of Breath Test Instruments.

(1) Evidentiary breath test instruments shall be inspected by an agency inspector at least once each calendar month. The agency inspection shall be conducted in accordance with Agency Inspection Procedures FDLE/ATP Form 16 - Rev. March 2004 for the Intoxilyzer 5000 Series, or Agency Inspection Procedures – Intoxilyzer 8000 FDLE/ATP Form 39 – Rev. August 2005 March 2004 for the Intoxilyzer 8000; and the results reported on FDLE/ATP Form 24 – Agency Inspection Report – Rev. March 2001 for the Intoxilyzer 5000 Series, or FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 – March 2004 for the Intoxilyzer 8000.

(2) through (3) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

11D-8.007 Approved Breath Test Instruments – Access, Facility Requirements, Observation Period, and Operational Procedures.

(1) Evidentiary breath test instruments shall only be accessible to a person issued a valid permit by the Department and to persons authorized by a permit holder. This section does not prohibit agencies from sending an instrument to an authorized repair facility. Only authorized repair facilities are authorized to remove the top cover of an Intoxilyzer 8000 evidentiary breath test instrument.

(2) through (3) No change.

(4) When operating an Intoxilyzer 5000 Series instrument, a breath test operator shall conduct a breath test in accordance with, and shall record the results on, the Breath Test Results Affidavit FDLE/ATP Form 14 – Rev. March 2002. When operating an Intoxilyzer 8000 instrument, a breath test operator shall conduct a breath test in accordance with Operational Procedures Intoxilyzer 8000 FDLE/ATP Form 37 – Rev. August 2005 March 2004, and the results of the test shall be recorded on the Breath Alcohol Test Affidavit – Intoxilyzer 8000 FDLE/ATP Form 38 – March 2004.

(5) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b)2., 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

11D-8.008 Breath Test Operator and Agency Inspector.

(1) Qualifications for Breath Test Operator Permit – An applicant for a breath test operator permit must meet the following qualifications:

(a) through (d) No change.

(e) Submit to the Department a complete written application and proof of course completion, examination results, proficiency testing documentation and proof of age upon successful completion of the breath test operator course, but no later than ninety days after completion.

(2) Qualifications for Agency Inspector Permit – An applicant for an agency inspector permit must meet the following qualifications:

(a) through (b) No change.

(c) Submits to the Department a complete written application and proof of course completion, examination results and proficiency testing documentation upon successful completion of the agency inspector course, but no later than ninety days after completion.

(d) No change.

(3) through (8) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 322.63(3)(a), 327.352(1)(b)3. FS. Law Implemented 316.1934(3), 322.63(3)(b), 327.354(3) FS. History–New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.



11D-8.015 Denial, Revocation, and Suspension of Permits.

(1) through (2) No change.

(3) The Department is authorized to revoke any permit for any of the following reasons:

(a) Knowingly making a false statement or providing false information on any agency document or on any document required by these rules.

(b) through (e) No change.

(4) through (6) No change.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.353(2), 327.354(3) FS. History--New 10-31-93, Amended 1-1-97, 7-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

11D-8.017 Forms.

The following forms referenced in these rules are hereby incorporated by reference:

FDLE/ATP Form 13 – Breath Test Log – Effective January 1997.

FDLE/ATP Form 14 – Breath Test Result Affidavit – Revised March 2002.

FDLE/ATP Form 16 – Agency Inspection Procedures – Revised March 2004.

FDLE/ATP Form 24 – Agency Inspection Report – Revised March 2001.

FDLE/ATP Form 26 – Department Inspection Report – Revised March 2004.

FDLE/ATP Form 32 – Certificate of Assurance – Revised March 2001.

FDLE/ATP Form 34 – Instrument Evaluation Procedures – Revised March 2004.

FDLE/ATP Form 35 – Department Inspection Procedures – Revised March 2004.

FDLE/ATP Form 36 – Department Inspection Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004.~~

FDLE/ATP Form 37 – Operational Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004.~~

FDLE/ATP Form 38 – Breath Alcohol Test Affidavit – Intoxilyzer 8000 – March 2004.

FDLE/ATP Form 39 – Agency Inspection Procedures – Intoxilyzer 8000 – Revised August 2005 ~~March 2004.~~

FDLE/ATP Form 40 – Agency Inspection Report – Intoxilyzer 8000 – March 2004.

FDLE/ATP Form 41 – Department Inspection Report – Intoxilyzer 8000 – March 2004.

These forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302. Agencies will be provided blank forms upon request and without cost for their alcohol testing program use.

Specific Authority 316.1932(1)(a)2.,(f)1., 316.1933(2)(b), 316.1934(3), 322.63(3)(a),(b), 327.352(1)(b)3. FS. Law Implemented 316.1932(1)(b), 316.1933(2)(b), 316.1934(3), 322.63(3)(b), 327.352(1)(e), 327.353(2)(b), 327.354(3) FS. History--New 10-31-93, Amended 2-1-95, 1-1-97, 9-29-01, 11-5-02, 12-9-04,\_\_\_\_\_.

**DEPARTMENT OF LAW ENFORCEMENT**

**Division of Local Law Enforcement Assistance**

RULE CHAPTER TITLE: Edward Byrne Memorial Justice Assistance Grant Program

RULE CHAPTER NO.: 11D-9

RULE TITLES: Definitions

RULE NOS.: 11D-9.001

Funds Availability for JAG-Countywide and JAG Direct

11D-9.002

Limitations on Funds Use

11D-9.003

Eligible Purposes and Programs

11D-9.004

Application and Award Procedures for JAG-Countywide and JAG-Direct

11D-9.005

Forms and Instructions

11D-9.006

PURPOSE AND EFFECT: The purpose of this rule is to: (1) update and clarify rule language to conform to federal program requirements governing the merger of the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program and the Local Law Enforcement Block Grant (LLEBG) Program, (2) identify two federal funding streams; 60% of the funding will be called JAG-Countywide and 40% of the funding will be called JAG-Direct.

SUBJECT AREA TO BE ADDRESSED: Edward Byrne Memorial Justice Assistance Grant Program.

SPECIFIC AUTHORITY: 943.03(4), 943.403 FS.

LAW IMPLEMENTED: 943.25(1), 943.402 FS.

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

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

PLACE: 2331 Phillips Road, Elevator Conference Room, Quad C, 3rd Floor, Tallahassee, Florida 32308-1489

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Janice Parrish, Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

~~EDWARD BYRNE MEMORIAL JUSTICE STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE FORMULA GRANT PROGRAM~~

11D-9.001 Definitions.

As used in these rules, except where the context clearly indicates a different meaning, the following terms shall have the meaning indicated:

(1) "Act" means the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et. seq., as amended.

(2) "BJA" means the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice.

(3) "~~JAG Byrne Program~~" means the Edward Byrne Memorial Justice Assistance Grant Program Memorial State and Local Law Enforcement Assistance Formula Grant Program.

(4) "JAG-Countywide" means the 60% funding stream that was formerly known as the Byrne Program. "~~CJRI Plan~~" means the Criminal Justice Records Improvement Plan.

(5) "JAG-Direct" means the 40% funding stream that was formerly known as the Local Law Enforcement Block Grant Program. "~~Criminal History Records (CHR) Set aside Funds~~" means that percentage of available Anti Drug Abuse Act of 1988 funds as determined by the BJA which must be utilized by state and local units of government for the purpose of improving the completeness, accuracy and timely submission of the information contained within offender criminal history records.

(6) "Criminal Justice System" means agencies established by state and local units of government to apprehend, prosecute, and adjudicate criminal offenders, including correctional agencies established to carry out the sentence imposed upon criminal offenders.

(7) "Department" means the Florida Department of Law Enforcement.

(8) "Eligible Application" is an application for Act funds, which meets the requirements of Rules 11D-9.002, 11D-9.003, 11D-9.004 and 11D-9.005, F.A.C.

(9) "~~Florida's Federal Funding Work Group~~" means the organizational body which will provide recommendations to the Department regarding the state's effort to improve the contents of Florida's Criminal History Records in accordance with the requirements of the federal Anti Drug Abuse Act of 1988. The work group shall consist of a representative from the Office of the State Courts Administrator, the Florida Department of Law Enforcement, the Florida Department of Corrections, the Florida Department of Juvenile Justice and the Florida Association of Court Clerks.

(10) "~~Local Applicant~~" means any governing body of a city or county, however styled, including that of a consolidated or metropolitan government and including an Indian Tribe which performs law enforcement functions as determined by the Secretary of the Interior.

(11) "~~OCJG~~" means the Office of Criminal Justice Grants, Business Support Programs, Florida Department of Law Enforcement.

(12) "~~State Applicant~~" means any unit of the executive, legislative or judicial branches of state government which performs functions related to the purposes of the Act.

(13) "~~Statewide Strategy for Drug Control, Violence Prevention, and System Improvement~~" means a policy designed to address the problems of illegal drug use and violent crime and to improve the efficiency and effectiveness of the criminal justice system in accordance with the Act.

(14) "~~Substance Abuse and Violent Crime Identification Matrix~~" means a set of statistical factors and values used by the Department to ascertain the degree of the drug problem or violent crime within any particular county relative to any other particular county.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 4-2-92, 2-7-95, Formerly 9G-16.002, Amended 3-8-99, Formerly 9B-61.002, Amended 11-5-02,

11D-9.002 Funds Availability for JAG-Countywide and JAG Direct.

(1) JAG-Countywide. The amount of funds available shall be that amount allocated each federal fiscal year to the State of Florida by the federal government under the Act and appropriated by the legislature.

(2) The Department shall attempt to obligate all of the funds available in the current federal fiscal year, but may obligate part or all of the funds in a later federal fiscal year, when permitted by Federal law and applicable Florida Statutes.

~~(3) The percentage of funds obligated to state units of government, in the aggregate, shall be no more than that percentage equal to the state government share of total state and local criminal justice expenditures as determined annually by the BJA.~~

(a) Based on appropriations by The Florida Legislature the Department shall notify in writing those state agencies known to have been appropriated a portion of the Act funds, including CHR set aside funds. Such notice shall identify funding available, the purposes for which these funds may be used and the procedures required for receipt of such funds.

(b) State agencies so notified shall be obligated the appropriated funds upon receipt of an application for such funds from the affected agency.

(4) The percentage of federal funds obligated to local units of government, in the aggregate, shall be no less than the percentage equal to the local government share of total state and local criminal justice expenditures as determined annually by the BJA.

(3)(a) The Department shall establish a Substance Abuse and Violent Crime Identification Matrix which, ~~less Criminal History Records Set aside Funds~~, shall be used, in conjunction with population, to determine the amount of funds allocated to each county in accordance with paragraph 11D-9.002(4)(c), F.A.C., of this subsection. Through analysis of statewide databases, the Department shall determine the rate, trend and magnitude of the following group indices and their identified variables for the most recent five years of available data in each of Florida's counties:

~~(a)1-~~ Violent Crime Index.

~~1.a-~~ Number of Burglary Offenses.

~~2.b-~~ Number of Larceny Offenses.

~~3.e-~~ Number of Robbery Offenses.

~~4.d-~~ Number of Murder Offenses.

~~(b)2-~~ Juvenile Involvement in Drugs Index.

~~1.a-~~ Number of juveniles arrested for sale and possession of marijuana.

~~2.b-~~ Number of juveniles arrested for sale and possession of cocaine.

~~3.e-~~ Drug Arrest Index. Number of arrests for sale and possession of any drug.

~~(c)4-~~ Cocaine Factor Index. Number of arrests for sale and possession of cocaine.

~~(4)(b)~~ Based on the rate, trend and magnitude of these indices in each county relative to every other county, the Department shall generate a listing of the counties. Such listing shall be generated every two years.

~~(5)(e)~~ Each county shall be allocated a percentage of local share federal funds equal to one-half of the sum of that county's percentage of statewide need as determined by the Substance Abuse and Violent Crime Identification Matrix plus that county's percentage of the total state population.

~~(6)(d)~~ Each application for local share JAG-Countywide Byrne Program funds shall represent agreement on expenditure of grant funds among at least 51 percent of the local units of government which also represent at least 51 percent of the population within the geographic boundaries of the applicant's county.

~~(7)(e)~~ In the event that at least 51 percent of the units of government which also represent at least 51 percent of the population in any county are unable to agree upon the expenditure of funds by the application deadline established by the program announcement or are unable to expend all of their allocated funds by the end of the grant period, said funds shall be distributed at the discretion of the Department.

~~(5) The Department shall allocate local CHR set-aside funds to the criminal justice system for the purpose of improving the completeness, accuracy and timely submission of information contained in the Florida Department of Law Enforcement's offender criminal history records. The recommendations of the Florida Federal Work Group shall be considered by the Department prior to such allocation.~~

~~(a) Local recipients of CHR set-aside funds shall be notified by the Department.~~

~~(b) The requirement for 51 percent letters that applies to other local applications does not apply in this case.~~

(8) JAG-Direct. BJA determines eligibility of JAG-Direct funds. Distribution of JAG-Direct funds will be determined by using the latest available UCR data and distributed to local units of government.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 4-2-92, 2-7-95, Formerly 9G-16.003, Amended 3-8-99, Formerly 9B-61.003, Amended 11-5-02,

11D-9.003 Limitations on Funds Use.

~~Restrictions on the use of monies for routine equipment, personnel costs, construction and supplanting of state and local funds, land acquisition, and the number of months applicants may receive financial support are as follows:~~

~~(1) Equipment and Hardware. The purchase or acquisition of equipment or hardware with grant funds is prohibited unless the purchase or acquisition is utilized in an approved program.~~

~~(2) General Salaries and Personnel Costs. Payment of personnel costs with grant funds is prohibited unless the costs for services are directly related to the grant as a part of a program. Grant funds may be used to compensate personnel for time engaged in conducting or participating in training programs or to compensate personnel engaged in research, development, demonstration or short-term programs related to the purposes of the Act.~~

~~(3) Construction. Use of the grant funds for construction projects is prohibited, except construction of correctional facilities.~~

~~(4) Land Acquisition. Acquisition of land with grant funds is prohibited.~~

~~(5) Non-Supplantation. Grant funds shall not be used to supplant state or local funds, but will be used to increase the amounts of such funds that would, in the absence of grants funds, be made available for drug and violent crime law enforcement activities.~~

~~(6) Projects which have received grant funds made available under the Act for an aggregate of 48 calendar months, including funds received under the Anti Drug Abuse Act of 1986 and the Justice Assistance Act of 1984, shall not be considered an eligible project in any subsequent funding cycle, except for the following projects:~~

~~(a) Administration.~~

~~(b) Victims Assistance Programs, or Multijurisdictional Gang or Drug Task Forces.~~

~~(c) Criminal History Records when waived by BJA, because it is essential to continue funding a particular subgrantee to complete an individual project beyond 4 years in order to achieve the goals established by the Act and State's approved CJRI Plan.~~

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History—New 2-6-90, Amended 2-7-95, Formerly 9G-16.006, 9B-61.006, Amended 11-5-02, Repealed \_\_\_\_\_.

11D-9.004 Eligible Purposes and Programs.

~~The Act provides that funds may only be used for the purposes as authorized by Congress pursuant to Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et. seq., as amended. Any other uses or proposed uses shall be denied.~~

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.007, 9B-61.007, Amended 11-5-02, Repealed.

11D-9.005 Application and Award Procedures for JAG-Countywide and JAG-Direct.

(1) JAG-Countywide Notification Process for State Applicants.

(a) The Department shall notify in writing state agencies that are appropriated a portion of the JAG-Countywide funds. Such notice shall identify the funding available, the purposes for which these funds may be used and the procedures required for receipt of such funds.

(b) State agencies so notified shall be obligated the appropriated funds upon receipt of an application for such funds from the affected agency.

(c) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

(2)(+) JAG-Countywide Notification Process for Local Applicants.

(a) To initiate a funding cycle, the Department shall notify all eligible agencies and jurisdictions through publication in the Florida Administrative Weekly. The funding cycle shall be advertised in the Florida Administrative Weekly at least 30 days prior to the deadline for submitting applications.

(b) In addition to the notice specified in paragraph (1)(a) of this section, the Department shall send notice of the funding cycle and a program announcement to the Chairman, Board of County Commissioners, in each county. The Department shall also provide a courtesy copy of said notice and program announcement to the Chief Elected Official of the governing body of each city located in each county so notified.

(c) The Chairman, Board of County Commissioners, in each county so notified shall return to the Department within 30 days of receiving notification, a statement of certification indicating the county's willingness to serve as the coordinating unit of government for at least 51 percent of the units of government which also represent at least 51 percent of the population located in said county. When the county identifies a county coordinator, the Department shall send application forms to the coordinator.

(d) In the event the county declines to serve as the coordinating unit of government, the Department shall request the governing body of each municipality, in descending order of population, to serve as the coordinating unit of government.

(3)(2) JAG-Countywide Local Application Process.

(a) Each applicant is encouraged to appoint a Substance Abuse and Violent Crime Policy Advisory Board, the membership of which shall include at a minimum the following persons or their authorized designee: Chief Circuit Judge, State Attorney, Public Defender, Sheriff, Chief of Police of each municipality within the county or a Chief of Police

designated by those Chiefs of Police as their representative, Jail Administrator, Clerk of the Court, Superintendent of Education and a representative of local drug treatment programs. An existing Board or Council whose membership includes the listed representatives may be utilized in lieu of appointing a new Board or Council. The Substance Abuse and Violent Crime Policy Advisory Board shall serve as the primary body for coordinating drug abuse efforts undertaken with funds provided by the Act.

(b) Each applicant is encouraged to designate an Office of Substance Abuse and Violent Crime Policy for the purposes of:

1. Providing administrative support to the Substance Abuse and Violent Crime Policy Advisory Board;
2. Preparing an application on behalf of at least 51 percent of the local units of government that also represents at least 51 percent of the population in the applicant's county;
3. Administering funds received from the OCGJ, including receipt, review, processing, monitoring, progress and financial report review, technical assistance, grant adjustment, accounting, auditing and fund disbursements; and
4. Coordinating the drug control and violent crime prevention and enforcement activities of the county's criminal justice system, education system and drug treatment systems.

(c) An office or agency performing other functions within the applicant unit of government may be designated as the Office of Substance Abuse and Violent Crime Policy.

(d) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

(e) The Department shall review all applications for JAG-Countywide Act funds and shall reject any application not meeting the requirements of these rules and applicable federal and state laws.

(4) JAG-Direct Notification Process for Local Applicants. To initiate a funding cycle, the Department shall send notice of the funding cycle and a program announcement to the local agency head, being the mayor of the city or the chairman, in each county.

(5) JAG-Direct Local Application Process.

(a) Applicants who submit proposals to the Department for consideration shall submit two originals of the completed application package which is filled out via the Subgrant Information ON-line System (SIMON).

(b) The Department shall review all applications for Act funds and shall reject any application not meeting the requirements of these rules and applicable federal and state laws.

Specific Authority 943.03(4), 943.403 FS. Law Implemented 943.25(1), 943.402 FS. History--New 2-6-90, Amended 2-7-95, Formerly 9G-16.008, Amended 6-22-00, Formerly 9B-61.008, Amended 11-5-02, \_\_\_\_\_.



investigative expenses, salary and overtime for the efforts of officers and employees directly linked to a funded investigation and other expenses related to investigations approved for funding by the Council.

(2) Each ~~matching~~ funding request shall designate a lead investigative agency that will serve as the liaison between the Council and the participating agencies for the purposes of coordinating the collection of information and in disbursing funds approved by the Council. Each participating agency shall agree to promptly provide requested information to the Council, to provide regular performance reports and information related to funded investigations as required by the Council, retain documentation and proof of expenditures or personnel efforts as may be required by the Council, and submit to any audit or review of the use of received funds as may be required by the Council.

(3) If an additional agency is brought into the investigation after funding has already been appropriated and no additional monies are being sought and there is no change of focus of the investigation, a lead investigative agency is authorized to request that the additional agency be permitted to share in council funds for the investigation.

(a) The lead agency shall verify and endorse both that agency match funding is available from the new agency and that all requirements of Rule 11N-1.0031, F.A.C., will be fulfilled by the new agency.

(b) Pursuant to Rule 11N-1.0031, F.A.C., the new agency shall guarantee its agreements are completed and obtain agency match funding before presenting its package, with the lead agency's endorsement, to the Chairperson of the Council.

(c) The Council Chairperson shall have the ability to make interim ratification of additional agencies participation in a specific funded investigation until the next regularly scheduled council meeting at which time the entire Council shall vote upon the issue.

(4) No change.

(5) ~~Matching~~ Funding from the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account is available only to a Florida state or local law enforcement agency, and such funding shall be used for investigative purposes directly linked to the investigative effort approved for funding by the Council. As used herein, "law enforcement agency" includes a Florida police department, a Florida sheriff's office, a regional office of the Florida Department of Law Enforcement or other Florida state law enforcement agency, the Florida Comptroller's Office of Financial Investigations, or a troop of the Florida Highway Patrol.

However, the term excludes state attorneys' offices and the Office of Statewide Prosecution except for resources provided by such offices exclusively dedicated to investigative efforts approved for funding by the Council.

(6) Limits Upon Drug Control Matching Funding.

(a) The maximum ~~matching~~ funding provided by the Council on a single investigation shall be \$100,000. However, an approved investigative effort may consist of multiple investigations, each of which may receive ~~matching~~ funding up to \$100,000.

(b) No law enforcement agency as defined herein may receive more than \$200,000 in Council drug control matching funds during the agency's fiscal year.

(c) In each agency fiscal year, payment of overtime with Council matching funds shall not exceed \$10,000 per officer or employee dedicated to the funded investigative effort.

(d) The Council may fund all, a portion, or none of a proposed investigative effort seeking drug control matching funding.

(e) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 10-25-01, Amended 12-3-03, \_\_\_\_\_.

11N-1.005 Procedures for Formal Funding Requests for Violent Crime Investigative Reimbursement Funding.

(1) No change.

(2) In order to assure careful consideration of requests before presentation to the Council, written requests for funding shall be submitted by the head of the Regional Violent Crime Investigative Coordinating Team so that they are received at least ~~thirty fifteen~~ days prior to the next scheduled Violent Crime and Drug Control Council meeting. Requests shall be mailed to: Florida Violent Crime and Drug Control Council, c/o Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, and shall indicate who will be making the presentation to the Council.

(3) through (9) No change.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History—New 3-10-94, Amended 10-10-95, 10-25-01, 12-3-03, \_\_\_\_\_.

11N-1.0051 Procedures for Funding Requests for ~~Matching~~ Drug Control Investigative Funding.

(1) No change.

(2) All requests for ~~matching~~ drug control investigative effort funds from the Violent Crime and Drug Control Council must be developed in conjunction with, and approved by, the Team in the region from in which the lead requesting agency is located. No request submitted without the endorsement of the Team will be considered by the Council.

(3) Prior to submitting a request for drug control matching funds to the Department of Law Enforcement for review and consideration for Council funding, the Team shall assure that the various requirements of this rule have been satisfied. The Team shall discuss each mandatory criteria element stated in this rule, explaining in detail how the criteria is met. In addition, the Team shall identify and discuss each non-mandatory criteria identified in this rule reasonably applicable to the request. The Team shall assure that the

funding proposal has been explained in sufficient detail to promote a fair review and evaluation of the request by the Department and the Council.

(4) through (6) No change.

(7) The Office of Statewide Intelligence (OSI) shall present to the Council all cases forwarded to it by the regional Teams, indicating its prioritization determinations at a meeting of the Council. The presentation must include a recommendation of which cases OSI believes should receive funding priority and the amount of drug control matching funding recommended and may identify the relative strengths and weaknesses of the cases under consideration in meeting the underlying goals of Council matching funding.

(8) The Council will make its drug control matching funding decisions based upon the information presented to it by OSI, or otherwise made available at a Council meeting, and the availability of funds for use by the Council. The Council may direct that approved funding shall be paid in a lump sum or in installments. The Council may fund all, a portion, or none of a request presented to it.

(9) No change.

(10) Council-provided drug control matching funds shall be expended in a manner consistent with the investigative purposes approved by Council, and may not be utilized to pay any part of the commitment made by the recipient agencies in determining their amount of agency match funds ~~to be matched by the Council provided funds.~~

(11) No change.

(12) In order to assure careful consideration of original requests for drug control matching funding and resubmitted requests for funding that have been previously denied, the written requests and approvals shall be submitted by the head of the Team to the Office of Statewide Intelligence no later than 30 days prior to the meeting of the Council in which the request for matching funding might be considered.

(13) Agencies seeking drug control matching funding under this section shall cooperate with the Team in the agencies' area, and provide all information as requested by the Team to assist in the preparation of a funding request, including information to identify the amounts of agency funds being committed by each participating agency to be matched by Council drug control matching funds. The head of each requesting agency that seeks to receive Council drug control matching funds shall include in the submission to the Team a certification in writing that to the agency head's best knowledge and belief, the request complies with the requirements established by law and this rule for funding. The agency head shall also agree to provide requested information to the Council to assist the Council in its performance-monitoring obligations and shall agree to retain proof and documentation as may be required by the Council and to submit to any audits or reviews of agency utilization of Council funds or funds derived from any Council-funded

investigative effort as may be performed. The request shall be accompanied by Form FDLE/OSI-003, ~~Matching Drug Control & Money Laundering Application~~, revised 12/03/2004 ~~10/07/04~~, incorporated by reference.

(14) Funding Calculations.

(a) In calculating the amount being provided ~~by~~ as an ~~requesting~~ agency match ~~for which matching Council funds may be provided~~, the Council shall consider:

1. The base salary (including benefits and taxes) and overtime compensation pledged (including benefits and taxes) of agency employees for that portion of the employees' efforts dedicated exclusively to the proposed investigative effort, and

2. Normal operating costs directly attributable to the proposed investigative effort as specifically identified by the requesting agency, subject to the exclusions listed below.

(b) No change.

(15) Council-provided funds shall not be used for any purposes ~~used~~ by the requesting agency in calculating its agency match contribution to be matched by Council Funds. Where an employee's overtime has been pledged by an agency as a match contribution to be matched by Council funds, no Council-provided funds may be used for the employee's overtime until such time as the agency's ~~pledged~~ match overtime funding has been completely expended. Council Matching funds shall not be used to purchase or lease vehicles, vessels, aircraft or conveyances, computer equipment, or buildings or the maintenance or repair of any such property or equipment. Council Matching funds shall not be used to pay employee base salaries. In each agency's fiscal year, up to \$10,000 in Council matching funds may be applied to an employee's overtime (including benefits and taxes) for efforts dedicated exclusively to the funded investigative effort. Matching Council funds may be used for the temporary rental of property or equipment for an undercover operation in support of the investigative effort, or for use in surveillance activities tied to the investigative effort. Matching Council funds may be utilized to pay overtime of agency employees' efforts directly in support of the funded investigative effort, limited to \$10,000 per employee in the employee's agency's fiscal year.

(16) Council Matching Funding Documentation.

(a) Agencies receiving drug control matching funding under this section shall provide a written quarterly report of expenditures of Council funds and of the progress of the investigative effort. The report shall be prepared in consultation with the Regional Drug Enforcement Coordinating Team and submitted by that Team through the Office of Statewide Intelligence for compilation and presentation to the Council at a quarterly meeting. Form FDLE/OSI-004A, ~~Matching Drug Control Quarterly Report~~, revised 12/03/2004 ~~10/08/02~~, incorporated by reference, shall be utilized to make the report. In addition, the Council may require oral progress reports to be made at Council meetings by

a representative of the Regional Drug Enforcement Coordinating Team or a designee of the lead investigative agency in a funded investigative effort. Agencies receiving Drug Control funding after September 1, 2005, shall utilize FDLE/OSI-004B, Drug Control Bi-Annual Report, revised 12/03/2004, hereby incorporated by reference.

(b) Agencies receiving ~~matching~~ Council funding shall retain documentation supporting the amounts and purposes of expenditures made from ~~matching~~ Council funds, the amounts and purposes of expenditure of agency match funds pledged as the basis for the amount of funds to be matched by the Council, the performance and accomplishments of the investigative efforts, and shall make these available to the Council upon request. With regard to agency personnel assigned to investigative efforts receiving Council funds, each agency shall retain, and make available to the Council as requested, each employee's official time and leave records and such other documentation demonstrating the time devoted by the employee to the funded investigative effort, but these records shall not be submitted with either FDLE/OSI-004A or FDLE/OSI-004B.

(c) Agencies receiving ~~matching~~ Council funding shall provide such other information as ~~may be~~ required by the Council or the Office of Statewide Intelligence in its capacity as support staff, to assist ~~the Council~~ in preparing its annual report to the Legislature, to assist audits of Council activities, or to assist the Council and OSI in fulfilling their ~~its~~ role to monitor the performance of funded investigations.

(17) No change.

(18) If an agency receiving Council ~~matching~~ funds is subsequently reimbursed or funded from another source of funding for the expenditures funded by the Council, the receiving agency shall return to the Council an amount that is the lesser of the subsequent reimbursement or the ~~matching~~ funding received from the Council.

(19) If agencies receiving Council funding fail to submit the required forms, FDLE/OSI-004A or FDLE/OSI-004B, by the stated deadline, the Council Chair in consultation with FDLE/OSI staff is authorized to request that all unexpended funds be returned within 30 days. Upon such a finding, the Agency Head of the funded agencies will be notified in writing as to the manner in which such funds must be returned. Any agency that is delinquent in submitting either form FDLE/OSI-004A or FDLE/OSI-004B by 90 or more days shall be subject to this provision.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 10-25-01, Amended 12-3-03, \_\_\_\_\_.

11N-1.006 Contributions.

Local law enforcement agencies may contribute to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account by submitting funds to the executive director of the Department of Law Enforcement. Contributions should be accompanied by a written statement designating the

funds to the Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account. Agencies receiving forfeiture proceeds by reason of an investigative effort receiving ~~matching~~ Council funds may contribute a portion of those proceeds to the Department of Law Enforcement for use by the Council in further ~~matching~~ funding efforts.

Specific Authority 943.03(4), 943.042 FS. Law Implemented 943.031, 943.042 FS. History--New 3-10-94, Amended 10-10-95, 10-25-01, \_\_\_\_\_.

11N-1.009 Victim/Witness Protection Program.

(1) Requests for Victim Witness Protection funding, pursuant to Section 943.031(6), F.S., must be made using the Victim/Witness Protection Program Application, form FDLE/OSI-005, revised 10/8/02 and incorporated by reference.

(2) In order to be considered for funding, completed applications shall be submitted to ~~FDLE, OSI the Victim and Witness Protection Review Committee~~, at least 30 ~~15~~ days prior to the next scheduled Violent Crime and Drug Control Council (VCDCC) meeting.

Application information and dates of scheduled VCDCC meetings can be found at <http://osiweb.fldle.flejn.net/VCDCC/vwcases/vwapplication.htm>.

(3) Completed forms shall be mailed to:

Chairperson, Florida Violent Crime & Drug Control Council  
 c/o Florida Department of Law Enforcement  
 Post Office Box 1489  
 Tallahassee, Florida 32302-1489  
Attn: Violent Crime Agent/Office of Statewide Intelligence ~~Attn: SA Kris Cullen/Office of Statewide Intelligence~~

Specific Authority 943.03(4) FS. Law Implemented 943.031(6), 914.25 FS. History--New 12-3-03, Amended \_\_\_\_\_.

**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: 050531-EU

RULE TITLE: Bulk Power System Reliability Standards  
 PURPOSE AND EFFECT: To discuss the Florida Reliability Coordinating Council Inc.'s Petition to Initiate Rulemaking to Adopt Rule 25-6.0186, F.A.C.  
 SUBJECT AREA TO BE ADDRESSED: Petition to Initiate Rulemaking on Bulk Power System Reliability Standards.

RULE NO.: 25-6.0186



SPECIFIC AUTHORITY: 120.54(2) FS.  
LAW IMPLEMENTED: 120.54(2) FS.  
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 10:30 a.m., October 6, 2005  
PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Christiana T. Moore, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6098

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT, AS REQUESTED BY THE FRCC, IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Personnel Management System**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida State Employees Charitable Campaign	60L-39
RULE TITLES:	RULE NOS.:
Scope and Purpose	60L-39.001
General Requirements	60L-39.002
Statewide Steering Committee	60L-39.003
Eligibility Criteria for Participation by Charitable Organizations	60L-39.004
Application Procedures	60L-39.005
Duties and Responsibilities of the Fiscal Agent	60L-39.006
Appeals	60L-39.007

PURPOSE AND EFFECT: To consider amendments to the Rules listed above.

SUBJECT AREA TO BE ADDRESSED: Scope and Purpose of Chapter 60L-39, General Requirement, Statewide Steering Committee, Eligibility Criteria for Participation by Charitable Organizations, Application Procedures, Duties and Responsibilities of the Fiscal Agent and Appeals.

SPECIFIC AUTHORITY: 110.181(3)(a) FS.  
LAW IMPLEMENTED: 110.181 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 10:00 a.m., Monday, September 29, 2005  
PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should advise the Department at least 2 calendar days before the workshop, by contacting: Julie Shaw, (850)487-3423.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Kuczanski, Chairman, Florida State Employees Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Suite 280L, Tallahassee, Florida 32399-0950, (850)414-6736

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE TITLE: General Licensing Forms  
RULE NO.: 61-6.022

PURPOSE AND EFFECT: This rule incorporates Department-wide forms utilized in applications for professional and business licensing.

SUBJECT AREA TO BE ADDRESSED: The rule will adopt and incorporate by reference Department-wide licensing forms.

SPECIFIC AUTHORITY: 455.213(1) FS.  
LAW IMPLEMENTED: 455.203, 455.213 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE SECRETARY, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE 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 Department at least 5 calendar days before the program by contacting: Jennifer Causseaux, (850)414-7677. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Causseaux, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLE: Examination for Swimming Pool Specialty Contractors  
 RULE NO.: 61G4-16.003

PURPOSE AND EFFECT: The Board proposes to describe practical examination for Swimming Pool Specialty Contractors.

SUBJECT AREA TO BE ADDRESSED: Practical examination for Swimming Pool Specialty Contractors.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.108 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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 Massage Therapy**

RULE CHAPTER TITLE: Biennial License Renewal  
 RULE CHAPTER NO.: 64B7-28

PURPOSE AND EFFECT: The Board proposes the development of rule amendments and new rules to address retired status licenses and other issues in order to implement Section 456.036, F.S., 2005 and other laws.

SUBJECT AREA TO BE ADDRESSED: Biennial License Renewal.

SPECIFIC AUTHORITY: 456.013, 456.024(2), 456.025(7), 456.034, 456.036, 480.035(7), 480.0415, 480.0425, 480.043(8), 480.044 FS.

LAW IMPLEMENTED: 456.013, 456.024(2), 456.025(7), 456.034, 456.036, 480.043(7), 480.044, 480.067(1)(b), 480.0415, 480.0425 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLES: Wall Certificate and Duplicate License Fee Applicants Seeking Reentry  
 RULE NOS.: 64B11-2.010 64B11-2.012

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Wall Certificate and Duplicate License Fee; Applicants Seeking Reentry.

SPECIFIC AUTHORITY: 456.025(2),(7), 468.204, 468.209 FS.

LAW IMPLEMENTED: 456.025(2),(7), 468.209(5) FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLES: Duplicate License Fee Applicants Seeking Reentry  
 RULE NOS.: 64B11-3.008 64B11-3.009

PURPOSE AND EFFECT: The Board proposes to review the existing language in these rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Duplicate License Fee; Applicants Seeking Reentry.

SPECIFIC AUTHORITY: 456.025(2),(7), 468.204, 468.209 FS.

LAW IMPLEMENTED: 456.025(2),(7), 468.209(5) FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Standards of Practice; Discipline

RULE NO.: 64B11-4.003

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards of Practice; Discipline.

SPECIFIC AUTHORITY: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.217 FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy Practice**

RULE TITLE: Retired Status and Reactivation of Retired Status License; Fees

RULE NO.: 64B11-5.004

PURPOSE AND EFFECT: The Board proposes the development of this rule to address retired status licenses in order to implement Section 456.036, F.S., 2005 and other laws.

SUBJECT AREA TO BE ADDRESSED: Retired Status and Reactivation of Retired Status License; Fees.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE TITLE: Emergency Medical Technician

RULE NO.: 64E-2.008

PURPOSE AND EFFECT: The Department of Health has determined that it is necessary to amend the rule relating to the certification of Emergency Medical Technicians.

SUBJECT AREA TO BE ADDRESSED: Emergency Medical Technician.

SPECIFIC AUTHORITY: 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don L. Bennett, Bureau Chief, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.008 Emergency Medical Technician.

(1) through (4) No change.

(5) Individuals who document their possession of the following in their application shall be deemed to satisfy subsection 64E-2.010(4), F.A.C., for certification as an EMT only while these criteria are applicable:

(a) Status as a member of the United States military;

(b) Valid EMT certification from the National Registry of Emergency Medical Technicians; and

(c) Assignment to Florida as part of a training program to operate as an EMT.

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

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Consumer Services

RULE TITLES: Registration

RULE NOS.: 5J-12.002

Educational Assistance Program

5J-12.005

PURPOSE AND EFFECT: The purpose and effect for subsection 5J-12.002(2), F.A.C., relating to Registration is to delete outdated language no longer applicable to the registration process. Rule 5J-12.005, F.A.C., initiates rules relating to the Educational Assistance Program.

SUMMARY: Subsection 5J-12.002(2), F.A.C., deletes the language relating to occupational license numbers and Rule 5J-12.005, F.A.C., establishes new rules for the Educational Assistance Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost was 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: 559.2201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 FS.

IF REQUESTED WITHIN 21 DAYS 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., October 11, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE FULL TEXT OF THE PROPOSED RULES IS:

5J-12.002 Registration.

(+) No change.

~~(2)(a) Form DACS 10900 will not be deemed incomplete for failure to furnish a valid occupational license number, provided the motor vehicle repair shop is unable to obtain such number until it exhibits an active registration certificate issued by the Department pursuant to Section 559.904(7), F.S.~~

~~(b) If the Department approves the application submitted by the motor vehicle repair shop and issues a registration certificate to conduct business as a motor vehicle repair shop, the motor vehicle repair shop shall, within 30 days after issuance, provide the occupational license number to the Department.~~

~~(c) If the motor vehicle repair shop fails to provide the valid occupational license number within the prescribed 30 day period, such failure shall be grounds for suspension or revocation of registration.~~

Specific Authority 559.92201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History--New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03, 11-4-03, 6-27-05, \_\_\_\_\_.

#### 5J-12.005 Educational Assistance Program.

(1) Definitions: For the purposes of Rule 5J-12.005, F.A.C., the following terms shall have the following meanings:

(a) "Technical Training" means training specifically related to mechanical and collision repairs and service.

(b) "Sponsored by" means financially supported or underwritten in whole or in part.

(c) "Instruction" means any coursework, seminar, in-service training, or other such program which is open to the public.

(d) "Educational institution" means an institution or organization described in Section 212.08(7)(cc)8.a., F.S.

(e) "Common ownership" means:

1. For an individual, the same individual or spouse of the same individual.

2. For a corporation or other entity created and existing by operation of law, one-half or more of the shares or other ownership interest in the entity are owned, controlled, or held for the benefit of the same person or individual or spouse of the same individual.

3. For a partnership, one-half or more of the partners are the same.

(2) Any motor vehicle repair shop that holds a current valid registration issued by the Department under the Motor Vehicle Repair Act and is not subject to any open enforcement proceedings by the Department, may apply for financial assistance for employees of the shop to undertake technical training or courses of study in motor vehicle repair. The shop shall use form DACS 10910, Educational Assistance Application, Motor Vehicle Repair Act, effective 8/05, hereby incorporated by reference. Copies of this form may be obtained

from the Department of Agriculture and Consumer Services, Division of Consumer Services, Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

(3) The Educational Assistance Application form must be sent to the following address for review: Florida Department of Agriculture and Consumer Services, Division of Consumer Services, MVR Educational Assistance Program, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500. The deadline for submitting an application shall be May 1st for each fiscal year in which funds are appropriated and available for this program.

(4) Upon receipt of an Educational Assistance Application, the Department shall disburse educational assistance funding if the applicant meets the requirements set forth in this rule and maintains a current valid Motor Vehicle Repair registration under the Motor Vehicle Repair Act. The Department shall disburse financial assistance funds on a "first come, first serve" basis upon the receipt of a complete and valid application.

(5) Educational assistance funding shall be limited to \$1,000 per registered location per fiscal year, or a maximum of \$3,000 to a single shop owner with multiple locations and common ownership.

(6) Educational assistance funds shall only be used to pay for the cost of technical training or courses of study in motor vehicle repair and shall not be used to pay for travel or other expenses.

(7) To be eligible for educational assistance, the technical training or course of study must be related to motor vehicle repair in one of the following areas:

(a) The repair or installation of parts or accessories to a motor vehicle.

(b) Product and technical training related to tires.

(c) Customer sales and service.

(d) Motor vehicle repair management training.

(e) Motor vehicle body and collision repair.

(f) Motor vehicle painting.

(8) The instruction of technical training or courses of study must be open to the public and sponsored or offered by one of the following:

(a) An industry recognized entity including but not limited to the following:

1. Advance Auto Parts, Inc.;

2. Alliance of State Automotive Aftermarket Associations;

3. American Engine Rebuilders Association;

4. Any Motor Vehicle Manufacturer as defined in Section 320.60, F.S.;

5. Auto Value, Inc.;

6. Auto Zone Stores, Inc.;

7. Automatic Transmission Rebuilders Association;

8. Automotive Recyclers Association;

9. Automotive Service Association;

10. Automotive Training Institute;

11. Aftermarket Auto Parts Alliance, Inc. (Bumper to Bumper);

12. Delco Auto Parts, Inc.;

13. Delphi Corporation;

14. Florida Auto Dismantlers and Recyclers Association;

15. Florida Automotive Dealers Association;

16. Florida Automotive Industry Association;

17. Florida Automotive Trades Association;

18. Florida Independent Automobile Dealers Association, Inc.;

19. Florida Motorcycle Dealers Association, Inc.;

20. Mobile Air Conditioning Society Worldwide;

21. Motorcraft;

22. NAPA, Inc.;

23. National Automobile Dealers Association, Inc.;

24. National Automotive Radiator Service Association;

25. National Institute for Automotive Service Excellence;

26. O'Reilly Automotive, Inc.;

27. R.L. O'Connor and Associates, Inc.;

28. Society of Collision Repair Specialists;

29. Tire Industry Association;

30. Visteon Corporation;

(b) An Educational Institution.;

(c) An instruction of technical training or course of study not specified above in this section may be submitted for review and approval by the Division. The proposed instruction shall be submitted to the Division at the address specified above in subsection (3). The Division shall submit the proposal to the Motor Vehicle Repair Advisory Council for review and advice before determining whether to approve the proposed instruction.

(9) To be eligible for educational assistance, the technical training or course of study must consist of a minimum 2 hours of instruction.

(10) All technical training or courses of study in motor vehicle repair must be completed within 12 months after the department has disbursed the financial assistance funding.

(11) The motor vehicle repair shop shall submit to the department proof of attendance and completion by its employee(s) within 30 days after the technical training or course of study has been completed. The shop shall use form DACS 10911, Educational Assistance Program Proof of Training, Motor Vehicle Repair Act, effective 8/05, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Motor Vehicle Repair, 2005 Apalachee Parkway, Terry L. Rhodes Building, Tallahassee, Florida 32399-6500.

(12) The completed Educational Assistance Program Proof of Training form must be sent to the address specified above in subsection (3).

(13) Any educational assistance funding received by a shop may be applied to any technical training or course of study that meets the eligibility requirements contained in this rule if the training or course listed in the shop's original application is cancelled. Such alternative training or course of study must meet all other requirements of this rule.

(14) Any educational assistance funding received by a shop may be applied retroactively to pay for technical training or course of study that is undertaken within the same fiscal year that the funding is dispersed by the Department.

(15) Refund of education assistance funds. Applicants shall refund motor vehicle repair education assistance funds to the Department under the following conditions:

(a) If an applicant's registration becomes expired, suspended, or revoked, that motor vehicle repair shop shall immediately refund any unused educational assistance funding to the Department within 30 days of said registration becoming expired, suspended or revoked.

(b) Any unused funds shall be refunded to the Department within 15 days from the end of 12 months from the date the funds are disbursed if the training or course of study is cancelled, not completed, or the specified employees of the applicant do not attend the training or course of study within the 12-month period.

Specific Authority 570.07(23) FS. Law Implemented 559.922 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James R. Kelly, Director, Division of Consumer Services, Department of Agriculture and Consumer Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Florida Building Commission –  
Operational Procedures

RULE CHAPTER NO.:

9B-3

RULE TITLE: State Building Code Adopted

RULE NO.:

9B-3.047

PURPOSE, EFFECT AND SUMMARY: To accept comment on specific authorities and responsibilities delegated to the Commission by Chapter 2005-147, Laws of Florida.

Additionally, the Commission shall take comment identifying modifications that occurred during correlation and publication of the Code limited only those changes in text not reflected on the Commission's tracking charts and supporting materials circulated prior to adoption. Upon the close of public comment, the Commission shall review comments and staff recommendations regarding the foregoing subjects and develop code changes responsive to those actions for which action is legislatively required and those that achieve consensus among the Commissioners.

Lastly, the Commission will consider a conforming amendment to that adopted to Rule 9B-3.050, F.A.C., concerning the form on which proposed code amendments are submitted.

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: 553.73(1),(2),(7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida.

LAW IMPLEMENTED: 553.72, 553.73(2),(3),(7),(9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida.

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

TIME AND DATE: 9:10 a.m., October 11, 2005

PLACE: Rosen Centre, 9840 International Drive, Orlando, Florida 32819

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.047 State Building Code Adopted.

(1) The Florida Building Code as updated by the Florida Building Commission on July 1, 2005, is hereby adopted as the Florida Building Code, 2004 edition, as amended by the Commission on \_\_\_\_\_, and incorporated by reference is hereby adopted as the building code for the State of Florida.

(2) Modifications and Amendments. All proposed modifications to the selected base codes and amendments to the Florida Building Code shall be submitted on the form adopted by reference in subsection 9B-3.050(4), Florida Administrative Code, that Form No. 2000-01, which the Commission hereby incorporates by reference, effective 11-28-00. Form No. 2000-01 must be completed in full prior to submittal. The text of the proposed modification or amendment must be provided on ~~Form No. 2000-01~~ in legislative format, with underlining indicating where new language is added to the existing provisions and ~~strikeout~~ indicating where existing language is deleted. Copies of the form Form No. 2000-01 may be obtained by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Specific Authority 553.73(1),(2),(7) FS, Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, 553.73(1),(2),(7) FS, Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, History—New 7-18-90, Amended 3-30-93, 10-17-93, 8-28-95, 9-24-96, 12-26-96, 4-27-97, 10-5-97, 10-14-97, 9-7-00, 11-28-00, 2-7-01, 12-16-01, 6-30-03, 4-3-05, \_\_\_\_\_.

NOTE: The following sections of the Code have been amended by action of the Commission as a result of public comment at the Rule Development Workshop held on August 24, 2005. Please contact the Codes and Standards Section of the Department of Community Affairs as provided in this Notice for the full text of the amendments.

#### BUILDING VOLUME

##### Chapter 1, Administration

The following sections are amended in the code:

105.4.1 (Permit intent), 109.3 (Required inspections)

##### Chapter 2, Definitions

The following section is amended in the code:

202 (Definitions)

##### Chapter 4, Special Detailed Requirements Based on Use and Occupancy

The following sections are amended in the code:

404.4 (Smoke control), 406.3.9 (Standpipes), 423.8.2 (Space standards), 423.11 (Wood fire-retardant treated wood (FRTW)), 423.14.1 (Master control switch), 423.19.1 (General), 423.26.3.2 (Door requirements); 424.2.17.1.9 (Outdoor swimming pools).

##### Chapter 5, General Building Heights and Areas

The following sections are amended in the code:

505.2 (area limitation).

##### Chapter 10, Means of Egress

The following sections are amended in the code: 1008.1.6 (Thresholds), 1009.3 (Stair treads and risers), 1009.3.1 (Dimensional uniformity), 1009.4 (Stairway landings), 1009.7 (Circular stairways), 1009.11 (Handrails), 1009.11.1 (Height), Table 1014.1 (Spaces with one means of egress), 1014.2.1 (Two exits or exit access doorways), Table 1015.1 (Exit access travel distance), 1031.3 (Travel distance).

##### Chapter 11, Accessibility

The following sections are amended in the code:

11-9.2 (Requirements for accessible units, sleeping rooms and suites), Figure 28 (Clear floor space at water closets).

##### Chapter 13, Energy Efficiency

The following sections are amended in the code:

13-301.0 (Referenced standards and organizations), Appendix 13-D, Form 600A (Residential whole building performance Method A).

##### Chapter 14, Exterior Walls

The following sections are amended in the code:

1403.2 (Weather protection), 1403.9 (Drained wall assembly over mass wall assembly), 1404.2 (Water-resistive barrier), 1404.2.1 (cement plaster).

##### Chapter 15, Roof Assemblies and Rooftop Structures

The following sections are amended in the code:

Table 1503.2 (Metal flashing material), 1507.3.7 (Attachment), 1507.3.8 (Application), 1507.3.9 (Flashing), 1507.9.2 (Deck slope), 1521.4 (reroofing).

##### Chapter 16, Structural Design

The following sections are amended in the code:

Figure 1609.6B (Main wind force loading diagram)

##### Chapter 17, Structural Tests and Special Inspections

The following sections are amended in the code:

1714.5.2.1 (Testing and labeling), 1714.5.2.1.1 (Test and labeling of skylights), 1714.5.3 (Exterior door assemblies), 1714.7 (Installation instruction for exterior windows and doors).

##### Chapter 23, Wood

The following sections are amended in the code:

Table 2304.7(3) (Allowable Spans and Loads for Wood Structural Panel Sheathing and Single Floor Grades Continuous over Two or More Spans with Long Panel Dimension Perpendicular to Supports), Table 2304.7(5) (Allowable Load (PSF) for Wood Structural Panel Roof Sheathing Continuous over Two or More Spans and Strength Axis Parallel to Supports (plywood structural panels are 5-ply, 5-layer unless otherwise noted), Table 2404.9.1 (Fastening Schedule).

##### Chapter 24, Glass and Glazing

The following sections are amended in the code:

2405.5 (Unit skylights)

##### Chapter 26, Plastic

The following section is amended in the code:

2612.2 (Definitions)

##### Chapter 30, Elevators and Conveying Systems

The following sections are amended in the code:

3007 (Elevator accessibility requirements for the physically handicapped)

##### Chapter 31, Special Construction

The following sections are amended in the code:

3113 (Airport noise study guidelines)

## Chapter 35, Referenced Standards

The following standard-promulgating organizations' listings are amended in the code:

AAMA (American Architectural Manufacturers Association), ASCE/SEI (American Society of Civil Engineers), DOT (Department of Transportation), FRSA (Florida Roofing, Sheet Metal and Air Conditioning Contractors Association).

## Index

The following sections are amended in the code: AISLE (checkout), NOISE (airport)

## FUEL GAS VOLUME

## Chapter 5, Chimneys and Vents

The following sections are amended in the code:

503.8 (Venting system termination location).

## PLUMBING VOLUME

## Chapter 3, General Regulations

The following sections are amended in the code:

312.9.1 (Inspections)

## Chapter 4, Fixtures, Faucets &amp; Fittings

The following sections are amended in the code:

Table 403.1 (Minimum number of required plumbing fixtures)

## Chapter 7, Sanitary Drainage

The following sections are amended in the code:

701.2 (Sewer required)

## RESIDENTIAL VOLUME

## Chapter 2, Definitions

The following section is amended in the code:

202 (Definitions)

## Chapter 3, Building and Planning

The following section is amended in the code:

R301.1 (Design), R301.2.1.1.1 (Design), R308.6.9 (Testing and labeling), R311.4.3 (Landings at doors), R311.5.3.2 (Tread depth), R311.5.3.3 (Profile), R311.5.4 (Landings for stairways), R311.5.8.1 (Spiral stairways), R311.5.8.3 (Circular stairways), R320.7 (Protection against decay and termites), R320.8 (Preparation of building site and removal of debris), R325.1 (Airport noise study guidelines).

## Chapter 6, Wall Construction

The following section is amended in the code:

R613.7.5 (Installation instruction for exterior windows and doors).

## Chapter 7, Wall Covering

The following section is amended in the code:

R703.1 (General), R703.2.1 (Weather-resistant sheathing paper), Table R703.11 (Minimum thickness of weather coverings), R703.12 (Drained assembly wall over mass assembly wall).

## Chapter 8, Roof-Ceiling Construction

The following section is amended in the code:

R806.4 (Conditioned attic assemblies).

## Chapter 9, Roof Assemblies

The following sections and table are amended in the code:

R902.1 (Roof covering materials), Table 903.1 (Metal Flashing Material), R905.3.2 (Deck slope), R905.3.7 (Application), and R905.3.8 (Flashing).

## Chapter 25, Plumbing Administration

The following section is amended in the code:

P2503.7.2 (Testing).

## Chapter 41, Swimming Pools

R4101.17.1.9 (barriers).

## Chapter 43, Referenced Standards

The following standard-promulgating organizations' listings are amended in the code:

AAMA (American Architectural Manufacturers Association), ASCE/SEI (American Society of Civil Engineers), ASTM (American Society of Testing Materials), DOT (Department of Transportation), FRSA (Florida Roofing, Sheet Metal and Air Conditioning Contractors Association), NFPA (National Fire Protection Association).

## Chapter 44, High-Velocity Hurricane Zones

R4402.10.4 (reroofing), R4409.13.3.2.5 (Conditioned attic assemblies), R4412.1.2 (Definitions; Approved Plastics).

## Index

The following sections are amended in the code: NOISE (airport), TERMITES.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 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."



**COMMISSION ON ETHICS**

RULE TITLE: List of Forms and Instructions  
RULE NO.: 34-7.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise CE Forms 1, 6, 1F, and 6F, which are adopted by reference in Rule 34-7.010, F.A.C.

SUMMARY: CE Forms 1, 6, 1F, and 6F will be affected by this rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated 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 within 21 days of this notice.

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

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

TIME AND DATE: 9:00 a.m., October 14, 2005

PLACE: The Knott Building, Room 412, 111 West St. Augustine Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Cobb Costas, Senior Attorney, Florida Commission on Ethics, Tallahassee, FL, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are adopted by reference and are used by the Commission in its dealings with the public:

(a) Form 1, Statement of Financial Interests. To be utilized by state officers, local officers, candidates for state or local office and specified state employees for compliance with Section 112.3145(2) and (3), Florida Statutes. Effective 1/2006 ~~1/2005~~.

(b) No change.

(c) Form 6, Full and Public Disclosure of Financial Interests. To be utilized by all elected constitutional officers, candidates for such offices, other statewide elected officers, and others as prescribed by law for compliance with Article II, Section 8(a) and (h), Florida Constitution, as specified in Chapter 34-8 of these rules. Effective 1/2006 ~~1/2005~~.

(d) through (n) No change.

(o) Form 1F, Final Statement of Financial Interests. To be filed within 60 days of leaving public office or employment. Effective 1/2006 ~~1/2005~~.

(p) Form 6F, Final Full and Public Disclosure of Financial Interests. To be filed within 60 days of leaving public office. Effective 1/2006 ~~1/2005~~.

(q) through (r) No change.

(2) No change.

PROPOSED EFFECTIVE DATE JANUARY 1, 2006

Specific Authority Art. II, Sec. 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(9) FS. Law Implemented 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS., Art. II, Sec. 8(a),(f),(h), Fla. Const. History—New 4-11-76, Formerly 34-7.10 through 7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 11-19-98, 12-28-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03, 1-1-04, 1-1-05, 1-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Cobb Costas, Senior Attorney

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Philip G. Claypool, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005

**DEPARTMENT OF ELDER AFFAIRS**

**Statewide Public Guardianship Office**

RULE CHAPTER TITLE: Guardianship  
RULE CHAPTER NO.: 58M-2

RULE TITLES: Professional Guardian Registration  
RULE NOS.: 58M-2.001

Registration for Employees with Fiduciary Responsibilities 58M-2.002

Professional Guardian Coursework and Competency Examination 58M-2.003

Confidentiality 58M-2.005

Denial of Professional Guardian Registration 58M-2.007

PURPOSE AND EFFECT: The purpose of the proposed rules is to revise and clarify the requirements for professional guardianship registration and to conform the rules to changes in Chapter 744, F.S.

SUMMARY: The proposed rule amendments bring the rules into compliance with changes that have been made to the related statutes as well as provide a mechanism to more effectively and efficiently register professional guardians.

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: 744.1083(6) FS.

LAW IMPLEMENTED: 744.1083, 744.1085, 744.3135, 744.102(16) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 58M-2.001 follows. See Florida Administrative Code for the present text.)

58M-2.001 Professional Guardian Registration.

Applicants must score a minimum of 75% on the Professional Guardian Competency Examination or must receive a waiver from the Department of Elder Affairs' Statewide Public Guardianship Office (SPGO) before the application for registration will be considered.

(1) A person serving as a guardian in the State of Florida must be registered as a professional guardian prior to submitting an application for appointment as guardian to a Florida court for the guardian's third case involving monetary compensation for services rendered to a ward.

(2) An applicant required to register with SPGO as a professional guardian must complete the Professional Guardian Registration Form, DOEA/SPGO Form 001, with all requested information. The Professional Guardian Registration Form, DOEA/SPGO Form 001, effective July 2005, is incorporated herein by reference and can be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, or at <http://elderaffairs.state.fl.us>.

(3) The Professional Guardian Registration Form shall be signed by the applicant (or corporate officer if the applicant is a corporation).

(4) The completed registration form shall be filed with the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, by hand-delivery or mail. No facsimile submissions will be accepted.

(5) The following items must either accompany the form or must be on file with SPGO for the application to be deemed complete:

(a) Credit history for guardians as specified in Section 744.3135, F.S. At the applicant's request, SPGO will complete the credit history and may charge an additional registration fee of \$5.00 per credit history check.

(b) Criminal history for guardians as specified in Section 744.3135, F.S.

(c) Documentation of bonding as specified in Section 744.1085, F.S.;

(d) For initial registration, a copy of the certificate of attendance for the required professional guardian instruction and training. Thereafter, copies of certificates of attendance for continuing education unit requirements;

(e) A registration fee not to exceed one hundred dollars (\$100) in the form of a personal check, money order, or cashier's check made payable to the Statewide Public Guardianship Office.

(f) Employee/Prospective Employee Registration Form(s), if applicable.

(6) An applicant required to register with SPGO as a professional guardian must submit the Professional Guardian Registration Form to SPGO with the registration fee annually.

(a) The registration period begins the day the application is approved by SPGO and ends on the bond anniversary date.

(b) SPGO may prorate by 50% registration fees for initial registrations that will expire in less than 6 months.

(c) An applicant shall submit annual registration materials to SPGO no later than 30 days prior to the applicant's bond anniversary date to ensure continued registration.

(7) SPGO will issue the annual registration license to the applicant upon approval.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New 5-4-03, Amended \_\_\_\_\_.

58M-2.002 Registration for Employees with Fiduciary Responsibilities.

(1) An employee of a professional guardian who has been assigned fiduciary responsibilities is considered as an individual who holds a position of trust and confidence to the ward; or who is obligated by virtue of the guardianship relationship to protect and preserve the ward's property; and who has access to the ward's personal identifiable information. This does not include persons performing services on behalf of a ward pursuant to a contract with the guardian, such as independent contractors or persons performing services on a volunteer basis.

(a) Employees with assigned fiduciary responsibilities must be registered by SPGO prior to assuming fiduciary responsibilities.

(b) A professional guardian applicant, who has employees with assigned fiduciary responsibilities, shall submit the Employee/Prospective Employee Registration Forms, DOEA/SPGO 002, as specified in the following subsections (2) through (4) of this rule.

(c) If a professional guardian hires an employee with assigned fiduciary responsibilities during the professional guardian's registration period, then the professional guardian shall submit the registration form for the new employee for

approval, as specified in the following subsections (2) through (4) of this rule, prior to the employee assuming any fiduciary responsibilities.

(2) Applicant employees with fiduciary responsibilities shall complete and sign the Employee/Prospective Employee Registration Form, DOEA/SPGO 002, with all requested information. The Employee/Prospective Employee Registration Form, DOEA/SPGO 002, effective July 2005, is incorporated herein by reference and can be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, or at <http://elderaffairs.state.fl.us>.

(3) The completed registration form shall be filed with the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, by hand-delivery or mail. No facsimile submissions will be accepted.

(4) The following items must either accompany the registration form or must be on file with SPGO for the application to be deemed complete:

(a) Credit history for employees with fiduciary responsibilities as specified in Section 744.3135, F.S. At the applicant's request, SPGO will complete the credit history and may charge an additional registration fee of \$5.00 per credit history check; and

(b) Criminal history for employees with fiduciary responsibilities as specified in Section 744.3135, F.S.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New \_\_\_\_\_.

58M-2.003 Professional Guardian Coursework and Competency Examination.

(1) Information about the professional guardian coursework and competency examination may be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or online at <http://elderaffairs.state.fl.us>.

(2) Completion of the required professional guardian instruction and training course is a mandatory requirement in order for the applicant to be eligible to take the competency examination.

(3) The applicant must achieve a score of 75% or better on the Professional Guardian Competency Examination.

(4) If the applicant fails to successfully complete the Professional Guardian Competency Examination in three (3) attempts, then the applicant is required to re-take the professional guardian instruction and training course before sitting again for the competency examination.

(5) A public guardian having five (5) or more years experience as a guardian in the State of Florida shall be exempt from the competency examination provided that the guardian submits a letter of recommendation from a circuit judge in the

State of Florida before whom the public guardian has practiced for at least one (1) year. The letter shall state that the public guardian has demonstrated competency to the court.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New \_\_\_\_\_.

58M-2.005 Confidentiality.

Any social security number, bank account number, and debit, charge, and credit card numbers obtained by SPGO in association with the registration of professional guardians and employees with fiduciary responsibilities are confidential and exempt from public disclosure in accordance with Section 119.0721, F.S., and s. 24(a), Art. 1 of the Florida Constitution.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New \_\_\_\_\_.

58M-2.007 Denial of Professional Guardian Registration.

(1) SPGO shall deny registration based on the following grounds:

(a) Conviction of a felony.

(b) Misrepresentation or concealment of a material fact related to the registration.

(c) Finding by any court that the applicant has committed any act involving fraud; misrepresentation; material omission; misappropriation; theft; or abuse, abandonment, or neglect against a person;

(d) Finding by any court that the applicant committed abuse, abandonment, or neglect against a child as defined in Section 39.01 or Sections 984.03(1), (2), and (37), F.S.; or

(e) Finding by any court of guilty, regardless of adjudication, for any offense prohibited under Section 435.03, F.S. or under any similar statute of another jurisdiction, or a plea of nolo contendere.

(f) Incapacity, illness or other unsuitability that renders a guardian unable to discharge the duties of a guardian.

(2) SPGO may deny registration, if one of the following occurred within five (5) years of filing the registration:

(a) Bankruptcy;

(b) Judgment for non-payment;

(c) An account referred to collection;

(d) Repossession; or

(e) More than one late payment in excess of thirty (30) days.

(3) On the day of SPGO's decision to deny registration, SPGO shall send written notification of denial of a registration to the applicant and to the chief judge of each judicial circuit. SPGO shall remove the applicant's name from its list of professional guardians if the applicant was previously registered.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Michele Hollister  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Carole Green, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: September 7, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: July 2, 2004

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE TITLES:	RULE NOS.:
License Procedure	59A-13.004
Administration and Management	59A-13.005
Admission, Transfer and Discharge Policies	59A-13.007
Child Care Policies	59A-13.008
Medical Director	59A-13.009
Nursing Services	59A-13.010
In-service Training for Staff, Parents and Guardians	59A-13.013
Medical Record	59A-13.014
Quality Assurance Committee	59A-13.015
Infection Control	59A-13.020
Fire Safety and Emergency Procedures	59A-13.022

PURPOSE AND EFFECT: The Agency proposes to amend Rules 59A-13.004, 59A-13.005, 59A-13.007 through 59A-13.010, 59A-13.013 through 59A-13.015, 59A-13.020 and 59A-13.022, F.A.C., consistent with provisions of Section 400.914, F.S. The amendments to Rule 59A-13.004, F.A.C., includes technical changes to current language, a revised Application of Licensure dated July 2005, a statement that licensure fees returned to the Agency due to insufficient funds will result in the application being considered withdrawn and nullifying the corresponding license issued, and adds language that the facility must notify the Agency 60 days prior to a request to increase the center’s licensed capacity; amendments to Rule 59A-13.005, F.A.C., include technical changes to current language, revises language requiring the centers to develop and maintain a current job description for each employee, revises language that provides employee access to policies and procedures governing conditions of employment, revises language requiring annual written job performance evaluations of Prescribed Pediatric Extended Care Center (PPEC) staff, and revises language for the development and implementation of infection control policies and procedures; amendments to Rule 59A-13.007 through 59A-13.009, F.A.C., include technical changes to current language; amendments to Rule 59A-13.010, F.A.C., include technical changes to current language, deletes the requirement for the Director of Nursing to hold a Baccalaureate degree, deletes annual recertification for Cardiopulmonary Resuscitation (CPR) and adds current CPR certification for the Director of Nursing, registered nurses, licensed practical nurses (LPN), and direct care

personnel, adds LPN requirements and experience, adds definition for the term “others” as direct care personnel, and adds standards and requirements that direct care staff must meet, allows for LPN to be considered in staffing ratios, adds one additional staff into the current staffing ratio, and adds new language for the staffing pattern if the PPEC center has a census of more than 24 children; amendments to Rule 59A-13.013, F.A.C., include technical changes to current language; deletes requirement that all employees must maintain annual CPR certification and replaces it with all the requirement that all employees have current CPR certification; amendments to Rule 59A-13.014, F.A.C., include technical changes to current language and clarifies the medical plan of treatment and the nursing protocol of care; amendments to Rule 59A-13.015, F.A.C., include technical changes to current language, and clarifies the selection process of the quarterly assurance review sample and the required members of the quality assurance committee; amendments to Rule 59A-13.020, F.A.C., include technical changes to current language, and adds a new statement relating to hand washing procedures for staff after direct contact with each child; amendments to Rule 59A-13.022, F.A.C., includes technical changes to current language, adds language that requires each PPEC center to have documentation of a satisfactory fire safety inspection annually by the local authority having jurisdiction, and adds language that the PPEC center must have an emergency kit available to provide basic first aid and cardiopulmonary resuscitation.

SUMMARY: Amends rules pertaining to Prescribed Pediatric Extended Care Centers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 400.914 FS.

LAW IMPLEMENTED: 400.914(1) FS.

IF REQUESTED WITHIN 14 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., October 12, 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 RULES IS: Kimberly Smoak, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

## THE FULL TEXT OF THE PROPOSED RULES IS:

## 59A-13.004 License Procedure.

(1) Except as provided in Sections ~~400.903 and 400.905 391.203 and 391.205~~, F.S., no person, firm, association, partnership, or corporation shall either directly or indirectly operate a PPEC center in this state without first applying for and receiving a license from the Agency AHCA to operate such facility.

(2) Application for a license to operate a PPEC center must be made on AHCA Form 3110-8002, July 2005, "Application for Licensure, Prescribed Pediatric Extended Care Center", hereby incorporated by reference, which must be submitted by the owner or administrator to the Agency. This form is available from the Agency for Health Care Administration, 2727 Mahan Drive, MS-33, Tallahassee, Florida 32308, or at the web address at: <http://ahca.myflorida.com/>. In addition to a completed application, applicants for initial, renewal and change of ownership must submit the following: Any person operating a facility in this state is subject to the requirements of Sections 391.203 and 391.205, F.S., and these rules.

(a) Licensure fees in the amount of \$650.00 payable to the Agency for Health Care Administration. Licensure fees returned to the Agency due to insufficient funds will result in the application being considered withdrawn and any corresponding license issued will be null and void.

(b) Documentation of compliance with subsection 59A-13.022(1), F.A.C., regarding fire safety conducted within the previous three months.

(3) Separate licenses are applications for operation of a facility shall be required for whenever the buildings are located on separate premises.

(4) Licensees must shall not operate a PPEC center facilities with a census capacity greater than the number of children clients indicated on the face of the license.

(5) Licenses issued for the operation of a PPEC center are shall be limited as provided in Section 400.905 391.205, F.S., and unless revoked, will shall expire one year from the date of issuance whichever occurs first. Applicants for license renewal shall comply with the provisions of Section 391.205, F.S., and these rules.

(6) No oOther licensed or certified health care or business entity may be located within a PPEC center, entities and PPEC centers shall not collocate.

(7) Application for a license to operate a PPEC center shall be made on AHCA Form 3110-8002 (April 1998), "Application for Licensure, Prescribed Pediatric Extended Care Center", hereby incorporated by reference, which shall be submitted by the owner or administrator to the AHCA. This form may be attained by writing to the Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308.

(8) ~~Except counties and municipalities, every applicant shall submit the license fee required by Section 391.205, F.S., by check or money order payable to the Agency for Health Care Administration along with the application for licensure.~~

(9) ~~The annual license fee is \$650.00.~~

(7)(10) ~~Whenever the licensee of PPEC center a facility seeks to increase the licensed capacity number of children for which he is licensed, the licensee must shall submit an application to the Agency 60 days prior to the requested date of the change. Upon successful completion of a health and life safety survey, the license will be modified accordingly modify his license accordingly.~~

(11) ~~Single copies of AHCA forms incorporated by reference within this section may be obtained without cost from the AHCA, 2727 Mahan Drive, Tallahassee, Florida 32308.~~

Specific Authority ~~391.214, 400.914(1) FS. Law Implemented 391.203, 391.205, 391.206, 391.207, 391.210, 391.214, 400.914 FS. History—New 3-8-89, Formerly 10D-102.004, Amended 2-27-94, 5-24-98, \_\_\_\_\_.~~

## 59A-13.005 Administration and Management.

(1) The licensee of each PPEC center shall have full legal authority and responsibility for the operation of the center facility.

(2) Each PPEC center must shall be organized in accordance with a written table of organization which describes the lines of authority and communication down to the child care level. The organizational structure must shall be designed to ensure an integrated continuum of services to the children clients.

(3) Center supervision:

(a) The licensee of each center must shall designate one person as administrator who is shall be responsible and accountable for the overall management of the center.

(b) The center administrator must shall designate in writing a person to be responsible for the center when the administrator is ~~to be~~ absent from the center for more than a period of 24 hours.

(c) The center administrator must Responsibilities of the center administrator shall include the following:

1. Maintain the following written records and any maintaining or causing to be maintained the following written records and any other records required by Section 400.914 Chapter 391, F.S., and these rules. The records must shall be kept in a place, form, and system in accordance with ordinarily employed in acceptable medical and business practices and available in the center for inspection by the Agency department during normal business hours:

a. A daily census record which must shall indicate the number of children currently receiving services in the center.

b. A record of all accidents or unusual incidents involving any child or staff member that caused, or had the potential to cause, injury or harm to any person or property within the

center. Such records ~~must shall~~ contain a clear description of each accident or incident, the names of the persons involved, a description of all medical or other services provided to these persons specifying who provided such services, and the steps taken, ~~if any,~~ to prevent recurrence of such accident or incidents in the future.

c. A copy of current agreements ~~entered into~~ with third party providers.

d. A copy of current agreements with each consultant employed by the center and documentation of each consultant's visits and required written, dated reports; ~~and.~~

e. A personnel record for each employee, which ~~must shall~~ include: a copy of a current the Florida certificate and/or number and current license number, as applicable; the original employment application, and references, ~~furnished from the most recent health care employer and~~ employment history for the preceding 5 years if applicable; and a copy of all job performance evaluations.

2. Develop and maintain a current job description for each employee. ~~Ensuring the development and maintenance of a current job description for each employee.~~

3. Provide each employee access to written personnel policies governing conditions of employment. ~~Ensuring that each employee is furnished with a copy of written personnel policies governing conditions of employment including the job description for his own position;~~

4. Conduct annual written job performance evaluations that note strengths and weaknesses, and plans to correct any job performance weakness. ~~Performance evaluations must be reviewed with the employee. Ensuring that each employee receives at least a yearly written job performance evaluation which is discussed with the employee, notes job performance strengths and weaknesses, and discusses plans to correct any job performance weaknesses;~~

5. Assign duties to employees that are consistent with their job descriptions and with their levels of education, preparation and experience. ~~Ensuring that such qualified personnel and ancillary services as are necessary to assure the health, safety, and proper care of children; are provided;~~

6. Provide necessary qualified personnel and ancillary services to ensure the health, safety, and proper care of each child. ~~Ensuring that each employee is assigned duties which are consistent with his job description and with his level of education, preparation, and experience; and~~

7. Develop and implement infection control policies and procedures. ~~These policies and procedures must be included in the PPEC center's policy manual. Ensuring that the infection control policies and procedures are included in the center's policy manual.~~

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1), 400.914(1)(h) FS. History--New 3-8-89, Formerly 10D-102.005, Amended 5-24-98, \_\_\_\_\_.

59A-13.007 Admission, Transfer and Discharge Policies.

(1) Each PPEC center ~~must shall~~ have written policies and procedures governing the admission, transfer, and discharge of children.

(2) The admission of each child to a PPEC center ~~must shall~~ be under the supervision of the center administrator or ~~his~~ designee, and ~~must shall~~ be in accordance with the center's child care policies and procedures.

(3) Each child admitted to a PPEC center ~~must shall~~ be admitted upon prescription of a licensed prescribing physician and ~~must shall~~ remain under the care of the licensed primary physician for the duration of the child's his stay in the center.

(4) Each child admitted for service to a PPEC center ~~must shall~~ meet at least the following criteria:

(a) Infants and children considered for admission to the PPEC center will be those who are medically or technologically dependent.

(b) The infants and children must not, prior to admission, present significant risk of infection to other children or personnel. The medical and nursing directors ~~must shall~~ review, on a case-by-case basis, any child with a suspected infectious disease to determine appropriateness of admission.

(c) The child must be medically stabilized, require skilled nursing care, or other interventions, and be appropriate for outpatient care.

(d) If the child meets the preceding criteria, the medical or nursing director of the PPEC center ~~must will~~ implement a preadmission plan which delineates services to be provided and appropriate sources for such services.

1. If the child is hospitalized at the time of referral, pre-admission planning will include the parents or guardians, relevant hospital medical, nursing, social services and developmental staff to assure that the hospital discharge plans will be implemented upon admission to the following placement in the PPEC center.

2. A consent form outlining the purpose of a PPEC center, family responsibilities, authorized treatment and appropriate liability release, and emergency disposition plans ~~must shall~~ be signed by the parents or guardians and witnessed prior to admission to the PPEC center. The parents or guardians ~~must and the PPEC center shall~~ be provided a copy of the consent form. A copy of the signed consent form must be maintained in the child's medical record. Confidentiality of PPEC records ~~must shall~~ be maintained in accordance with applicable state and federal laws Section 455.241.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1), 400.914(1)(a),(h) FS. History--New 3-8-89, Formerly 10D-102.007, Amended \_\_\_\_\_.

59A-13.008 Child Care Policies.

(1) Each PPEC center ~~must shall~~ develop, implement, and maintain written policies and procedures governing all child care and related medical or other services provided.

(2) Child care policies and procedures ~~must shall~~ be developed, ~~and~~ maintained and implemented by a group of professional PPEC center staff personnel comprised of at least the medical director or medical consultant, the center administrator, and the director of nursing services. All child care policies and procedures ~~must shall~~ be reviewed no less frequently ~~often~~ than annually and ~~must shall~~ be revised as needed.

(3) The child care policies and procedures developed ~~must shall~~ at a minimum ensure ~~client care in~~ compliance with the provisions of Section 400.914 Chapter 391, F.S., and the standards contained in these rules.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1), 400.914(1)(a) FS. History--New 3-8-89, Formerly 10D-102.008, Amended

59A-13.009 Medical Director.

A board certified pediatrician ~~must will~~ serve as the medical director for the PPEC center. Responsibilities of the medical director include shall include:

(1) Periodic review of services to assure acceptable levels of quality of care and services.

(2) Maintenance of a liaison role with the medical community.

(3) Advisement on the development of new programs and modifications of existing programs.

(4) Assurance that medical consultation will be available in the event of the medical director's absence.

(5) Serving on committees as defined and required by these rules and by the center's policies.

(6) Consulting with the center administrator on the health status of the center's facility personnel.

(7) Reviewing reports of all accidents or unusual incidents occurring on the premises and identifying to the center administrator hazards to health and safety.

(8) Development and implementation ~~Ensuring the development~~ of a policy and procedure for the delivery of emergency services and the delivery of regular physician's services when the child's attending physician or ~~his~~ designated alternative is not available.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(d),(f), 400.914(1)(f) FS. History--New 3-8-89, Formerly 10D-102.009, Amended

59A-13.010 Nursing Services.

(1) A registered nurse will serve full-time as the Director of Nursing. The Director of Nursing must have at least the following qualifications:

(a) ~~Minimum of a Baccalaureate degree in nursing;~~

~~(a)(b)~~ Hold a current Florida registered nurse license licensure.

~~(b)(e)~~ Hold a current certification in Cardiopulmonary Resuscitation (CPR). Completion of a course in pediatric CPR, with annual recertification; and

~~(c)(d)~~ Have a minimum of two 2 years general pediatric nursing experience of which at least six 6 months must shall have been spent in a pediatric intensive care or neonatal intensive care setting during the previous five years.

(2) The Director of Nursing ~~is shall be~~ responsible for the daily operation of the PPEC center.

(3) Registered nurse staffing standards:

~~(a) All PPEC centers shall have a minimum full-time equivalent of 2 registered nurses.~~

~~(a)(b)~~ The registered nurse ~~must shall~~ have at least the following qualifications and experience:

1. Licensed Licensure as a registered nurse in Florida, pursuant to ~~under~~ Chapter 464, F.S, and two a baccalaureate degree in nursing or or more years of pediatric speciality care experience, with at least six months experience caring for medically or technologically dependent children.

2. Current Annual pediatric certification in CPR; ~~and~~

~~3. Minimum of 2 years experience in general pediatrics with at least 6 months experience caring for medically or technologically dependent children.~~

~~3.4.~~ Pediatric nursing experience, defined as being responsible for the care of acutely ill or chronically ill children, within the previous 24 months.

(c) The registered nurse staff ~~must provide shall be~~ responsible for at least the following:

1. Nursing Provision of interventions; educational services to increase the parent's or guardian's family's confidence and competence in caring for the child with special needs; assistance to facilitate coping with the effects of chronic illness on the child and family and support effective relationships among siblings and the ill child; interventions to foster normal development and psychosocial adaptation.

2. Information regarding Knowledge of availability and access ~~requirements~~ to community resources; ~~and~~

3. ~~Fostering and maintaining~~ A collaborative relationship with the interdisciplinary health team.

~~(4) Licensed practical nurse staffing standards: If nursing assistants are utilized to augment registered nurse staffing, the nursing assistant shall have as a minimum the following qualifications:~~

Licensed practical nurses working in a PPEC center must be supervised by a registered nurse and have the following qualifications and experience;

(a) Hold a Current Florida licensed practical nurse pursuant to Chapter 464, F.S. Two years experience in the care of infants and toddlers;

~~1. References documenting skill in care of infants and children;~~

~~2. Basic cardiac life support annual certification.~~

~~(b) Have two year experience in pediatrics; and~~

~~(c) Hold a current certification in CPR.~~

~~(5) Direct care personnel staffing standards. For the purposes of this subsection, other direct care personnel include: nursing assistants, nursing assistants certified pursuant to Chapter 464, F.S., patient care technicians, medical assistants, Emergency Medical Technicians (EMT) licensed pursuant to Chapter 401, F.S., and individuals with training and experience in education, social services or child care related fields.~~

~~(a) Direct care personnel must meet the following requirements:~~

~~1. Have one year experience in the care of infants and toddlers.~~

~~2. Employment references documenting skill in the care of infants and children, and~~

~~3. Hold a current certification in CPR.~~

~~(b) Direct care personnel must~~ ~~The nursing assistant staff shall work under the supervision of the registered nurse and be responsible for providing direct care to PPEC center children.~~

~~(6)(5) Total staffing for nursing services and direct care must, shall at a minimum, meet the following ratios: but at no time shall be less than 1 staff member on duty per 3 children. If only one staff member is on duty, that member must be a registered nurse:~~

<u>Children</u>	<u>Total Staff</u>	<u>RN</u>	<u>RN or LPN</u>	<u>Direct Care, or Licensed Nurse (RN or LPN)</u>
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<u>1</u>	<u>1</u>	<u>1</u>		
<u>2-3</u>	<u>2</u>	<u>1</u>		<u>1</u>
<u>4-6</u>	<u>3</u>	<u>1</u>	<u>1</u>	<u>1</u>
<u>7-9</u>	<u>4</u>	<u>1</u>	<u>1</u>	<u>2</u>
<u>10-12</u>	<u>5</u>	<u>1</u>	<u>2</u>	<u>2</u>
<u>13-15</u>	<u>6</u>	<u>2</u>	<u>2</u>	<u>2</u>
<u>16-18</u>	<u>7</u>	<u>2</u>	<u>2</u>	<u>3</u>
<u>19-21</u>	<u>8</u>	<u>2</u>	<u>3</u>	<u>3</u>
<u>22-24</u>	<u>9</u>	<u>2</u>	<u>3</u>	<u>4</u>

1-3 children	1 RN
4-6 children	2 RNs
7-9 children	2 RNs plus 1 other
10-12 children	2 RNs plus 2 others
13-15 children	3 RNs plus 2 others
16-18 children	3 RNs plus 3 others
19-21 children	4 RNs plus 3 others
22-24 children	4 RNs plus 4 others

If the PPEC center has a census of more than 24 children, the staffing pattern must increase by one direct care staff personnel for every 3 children, and one licensed nurse for every 6 children; at least 50% of the licensed nurses must be registered nurses.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(d),(f), 400.914(1)(d) FS. History--New 3-8-89, Formerly 10D-102.010, Amended \_\_\_\_\_.

59A-13.013 In-service Training for Staff, and Parents and Guardians.

Each PPEC center must shall develop staff, a parent and guardian training programs, which will be available to staff, parents and guardians and includes at least the following:

(1) Staff training must include:

(a)(1) Quarterly staff development programs appropriate to the category of personnel will be conducted to maintain quality patient care.

(b)(2) Documentation of all staff development programs, and required participation will be documented.

(c) Current CPR certification for all staff.

(3) All employees shall maintain annual pediatric cardiopulmonary resuscitation certification.

(2)(4) Each new employee will participate in orientation to acquaint the employee with the philosophy, organization, program, practices, and goals of the PPEC center.

(3)(5) A comprehensive orientation to acquaint the parent or guardian with the philosophy and services will be provided at the time of the child's admission to placement in the PPEC center.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(a), 400.914(1)(f) FS. History--New 3-8-89, Formerly 10D-102.013, Amended \_\_\_\_\_.

59A-13.014 Medical Record.

(1) A medical record must be developed at the time of admission, must be shall maintained for each child, signed by authorized personnel and contain at least The records shall contain at least the following:

(a) A medical plan of treatment and a nursing protocol of care.

(b)(1) All details of the referral, admission, correspondence and papers concerning the child.

(2) Entries in the Medical records shall be in ink and signed by authorized personnel include at least the following:

(c)(a) Physician orders.

(d)(b) Flow chart of medications and treatments administered.

(e)(e) Concise, accurate information and initialed case notes reflecting progress toward protocol of care goals achievement of care goals or reasons for lack of progress.



~~(f)(d)~~ Documentation of nutritional management and special diets, as appropriate.

~~(g)(e)~~ Documentation of physical, occupational, speech and other special therapies.

~~(2)(3)~~ The An individualized nursing care protocol must be developed within ten working days of admission. The protocol must be reviewed monthly and revised quarterly, and include any recommendations and revisions to the plan based on consultation with other professionals involved in the child's care and revised to include recommended changes in the therapeutic plans. The disposition to be followed in the event of emergency situations will be specified in the plan of care;

(4) Medical history, including ~~include~~ allergies and special precautions.

(5) Immunization record.

~~(6)~~ Quarterly review of Protocol of Care to updated the plan in consultation with other professionals involved in the child's care;

~~(6)(7)~~ A discharge order written by the primary physician will be documented and entered in the child's record. A discharge summary, which includes the reason for discharge, will also be included.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(h), 400.914(1)(h) FS. History--New 3-8-89, Formerly 10D-102.014, Amended \_\_\_\_\_.

59A-13.015 Quality Assurance Committee.

All PPEC centers must shall have a quality assurance program and must and will conduct quarterly reviews of the PPEC center's medical records for at least half of the children served by the PPEC center at the time of the quality assurance review. The quarterly review sample must be randomly selected so each child served at the center has an equal opportunity to be included in the review.

(1) The quality assurance committee must include the following: the medical director, administrator, director of nursing, and three other committee members as determined by each PPEC center.

~~(2)(1)~~ The quality assurance review will be conducted by two 2 members of the quality assurance committee. ~~The quality assurance review responsibilities shall rotate among the quality assurance committee members at least on an annual basis.~~ Within 15 calendar working days of its review, the quality assurance committee must shall furnish copies of its report to the PPEC center medical and nursing directors.

~~(3)(2)~~ Each quarterly quality assurance review must shall include:

(a) A review of the goals in each child's nursing protocol.

(b) A review of the steps, process, and success in achieving the goals.

(c) Identification of goals not being achieved as expected, reasons for lack of achievement and plans to promote goal achievement.

(d) Evidence that the protocol ~~of care~~ has been revised to accommodate the findings of the quality assurance report will be forwarded to the quality assurance committee within ten calendar 10 working days of receipt of the quality assurance committee report.

(e) Implementation of ~~the~~ revisions to the protocol must be ~~of care as~~ documented in on the child's record.

~~(4)(3)~~ The quality assurance review will also ascertain and assure the presence of the following documents in each child's medical record:

(a) A properly executed consent form, ~~and~~

(b) A medical history for the child, including notations from visits to health care providers', ~~and~~

(c) An immunization record with documentation of allergies and special precautions.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.201, 391.214, 400.914(1)(f)(h) FS. History--New 3-8-89, Formerly 10D-102.015, Amended \_\_\_\_\_.

59A-13.020 Infection Control.

Infection control requirements must ~~procedures shall~~ include at least the following:

(1) The PPEC center must have shall contain an isolation room with one large glass area for observation of the child.

(2) Isolation procedures must shall be used to prevent cross-infections.

(3) All cribs and beds must shall be labeled with the individual child's name. Linens must shall be removed from the crib for laundering purposes only.

(4) Bed linens must shall be changed when soiled and as necessary, but not less than twice weekly at least twice weekly.

(5) Antimicrobial soap and disposable paper towels must shall be at each sink.

(6) Staff must wash their hands after direct contact with each child, by using appropriate hand washing techniques, to prevent the spread of infection from one child to another.

~~(7)(6)~~ Children suspected of having a communicable disease, which may be transmitted through casual contact, as determined by the center's facility's medical director, must shall be isolated; the parents or guardians must shall be notified of the condition; and the child must shall be removed from the PPEC center as soon as possible. When the communicable disease is no longer present, as evidenced by a written physician's statement, the child may return to the PPEC center, ~~and~~

(8) PPEC center staff members suspected of having a communicable disease must shall not return to the PPEC center until the signs and symptoms which related to the communicable disease are no longer present, as evidenced by a written physician's statement.

Specific Authority 391.214, 400.914(1) FS. Law Implemented 391.214(1)(f), 400.914(1)(e) FS. History--New 3-8-89, Formerly 10D-102.020, Amended \_\_\_\_\_.



(h) Proper aggregate amount of public liability and property damage as defined below:

	Liability	Property Damage
General Contractor	\$300,000	\$50,000
Building Contractor	300,000	50,000
Residential Contractor	100,000	25,000
Sheet Metal Contractor	100,000	25,000
Air Conditioning Contractor	100,000	25,000
Roofing Contractor	100,000	25,000
Mechanical Contractor	100,000	25,000
Pool Contractor	100,000	25,000
Plumbing Contractor	100,000	25,000
Residential Solar Water Heating Contractor	100,000	25,000
Underground Utility and Excavation Contractor	100,000	25,000
Specialty Structure Contractor	100,000	25,000
Pollutant Storage System Specialty Contractor	100,000	25,000
Gypsum Drywall Specialty Contractor	100,000	25,000
Solar Contractor	100,000	25,000
Gas Line Specialty Contractor	100,000	25,000
Glass and Glazing Specialty Contractor	100,000	25,000
<u>Swimming Pool Specialty Contractor</u>	<u>100,000</u>	<u>25,000</u>

(i) through (l) No change.

(3) through (5) No change.

Specific Authority 489.108, 489.115(5), 489.129(3) FS. Law Implemented 489.115(5) FS. History—New 1-10-80, Amended 9-15-82, Formerly 21E-15.03, Amended 1-26-88, 1-1-89, 5-23-89, 6-5-90, Formerly 21E-15.003, Amended 7-18-94, 1-10-95, 2-6-96, 11-13-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 30, 2005

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 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.”

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

RULE TITLE: Sarasota County Boating Restricted Areas  
RULE NO.: 68D-24.005

PURPOSE AND EFFECT: The purpose of this amendment is to protect vessel traffic safety. The effect of this rule will be to reduce vessel speed over portions of the Gulf Intracoastal Waterway by extending two existing boating restricted areas, at Hatchett Creek and the Marine Center, and by creating two new boating restricted areas at the Siesta Key and Manasota Beach Bridges. As justification for this amendment, Sarasota County cites vessel traffic congestion, public boat ramps, and fueling facilities. The local office of the Florida Fish and Wildlife Conservation Commission’s Division of Law Enforcement has concurred with this action. This action is being coordinated with Sarasota County, the City of Sarasota, the City of Venice, the United States Army Corps of Engineers, and the United States Coast Guard.

SUMMARY: Amend by extending the existing Idle Speed No Wake zones in the Intracoastal Waterway, at Hatchett Creek, Circus Bridge. Create two zones at the Siesta and Manasota Key Bridges, to regulate vessel traffic within and adjacent to the Florida Intracoastal in Sarasota County.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

A statement of the estimated regulatory costs has not been prepared for this rulemaking. 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: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 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: Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, Extension 17169

THE FULL TEXT OF THE PROPOSED RULE IS:

68D-24.005 Sarasota County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic in and adjacent to the Intracoastal Waterway within Sarasota County, Florida, the following Boating Restricted Areas are established:

(a) Idle Speed No Wake Zones –

1 through 3. No change.

4. Hatchett Creek – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 2,000 feet northwest of the U.S. Highway 41 (Business) Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 1,600 ~~400~~ feet southeast of said bridge, as depicted in drawing D.

5. Circus Bridge (US 41) ~~Venice Marine Center~~ – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 840 ~~400~~ feet north of the centerline of the Circus Bridge(US 41) including the marine center boat basin ~~Venice Marine Center boat basin channel~~ to a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 ~~350~~ feet south of centerline of said bridge channel, as depicted in drawing E.

6. No change.

7. Siesta Key Bridge – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet north of the centerline of the Siesta Key Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet south of the centerline of the Siesta Key Bridge, as depicted in Drawing G.

8. Manasota Beach Bridge – All waters lying within and adjacent to the Intracoastal Waterway, from shoreline to shoreline, from a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet north of the centerline of the Manasota Beach Bridge to a line drawn perpendicular to the centerline of the Intracoastal Waterway 300 feet south of the centerline of the Manasota Beach Bridge, as depicted in Drawing H.

(b) No change.

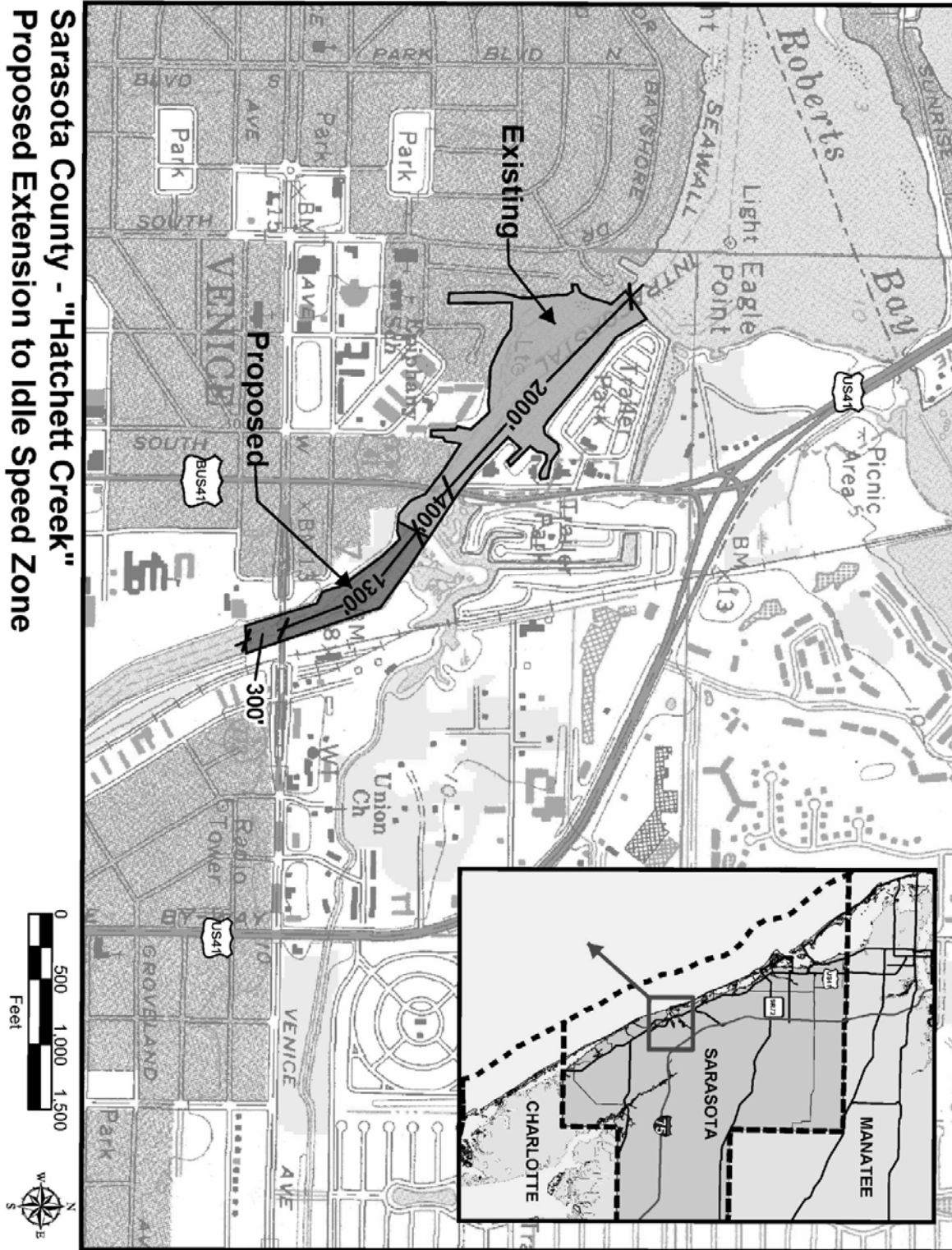
(2) The boating restricted areas are depicted in the following drawings:

Drawings A, B, C, and F – No change.

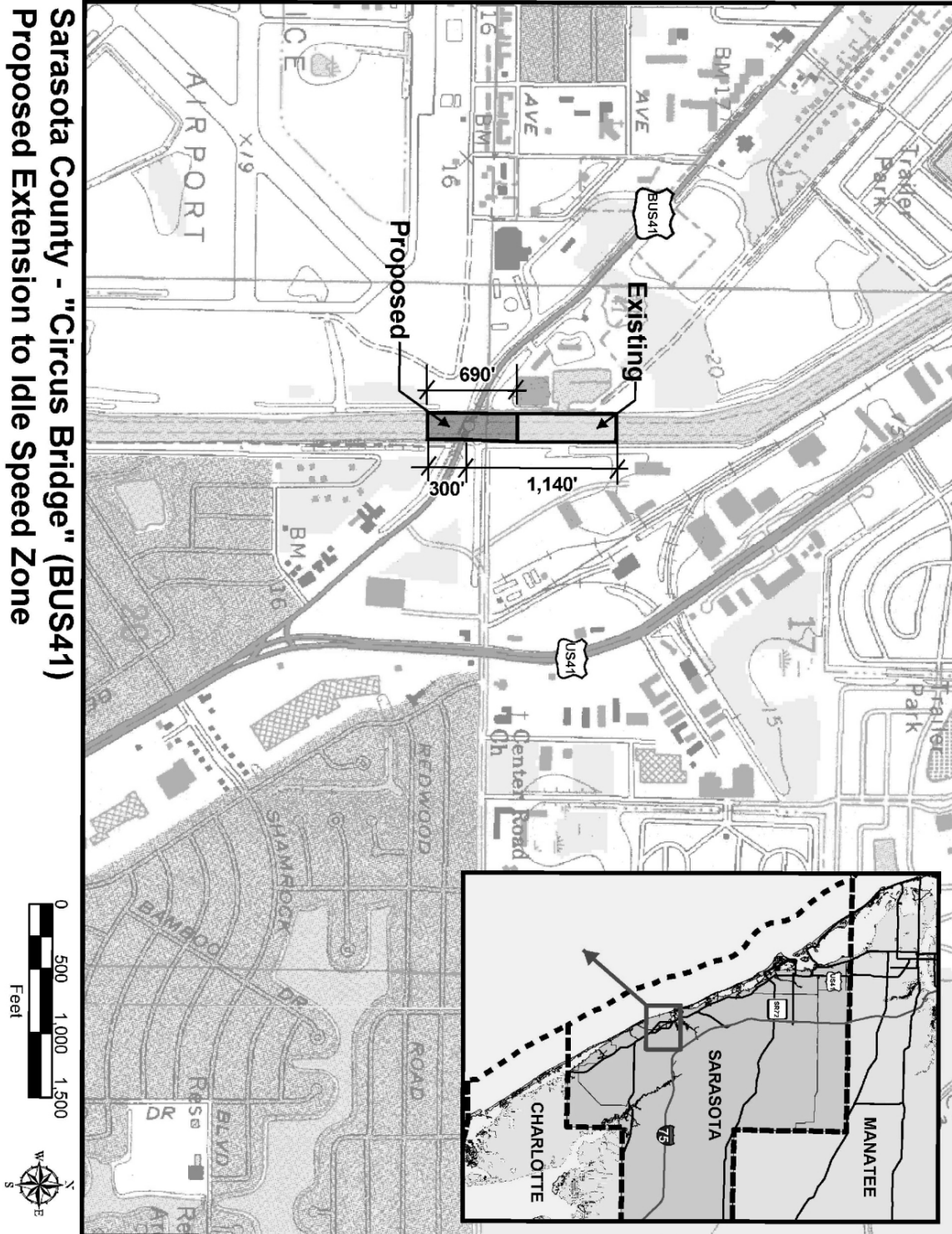
Revised drawings D and E, and new drawings G and H.

Drawing D

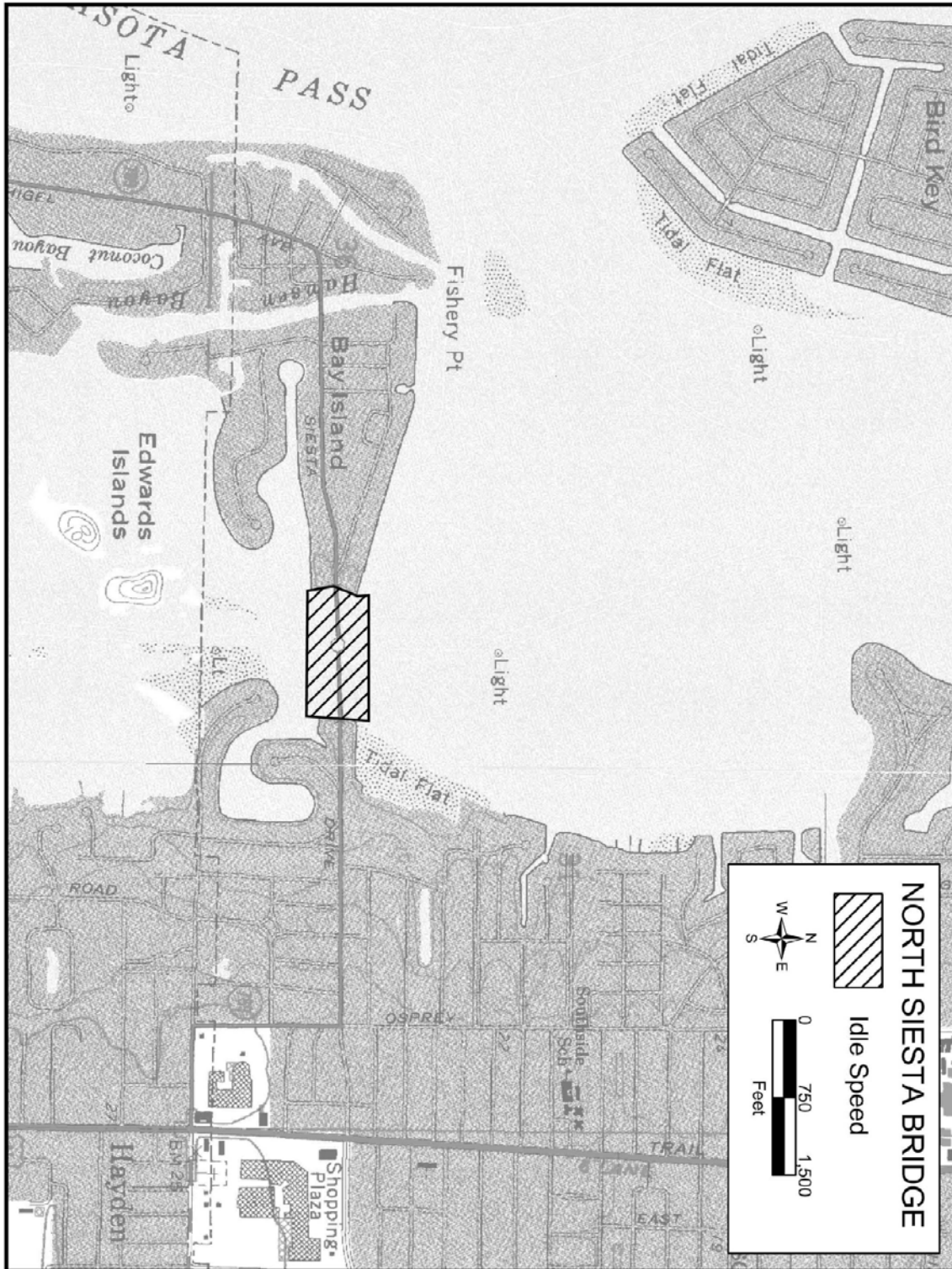
**Sarasota County - "Hatchett Creek"  
Proposed Extension to Idle Speed Zone**



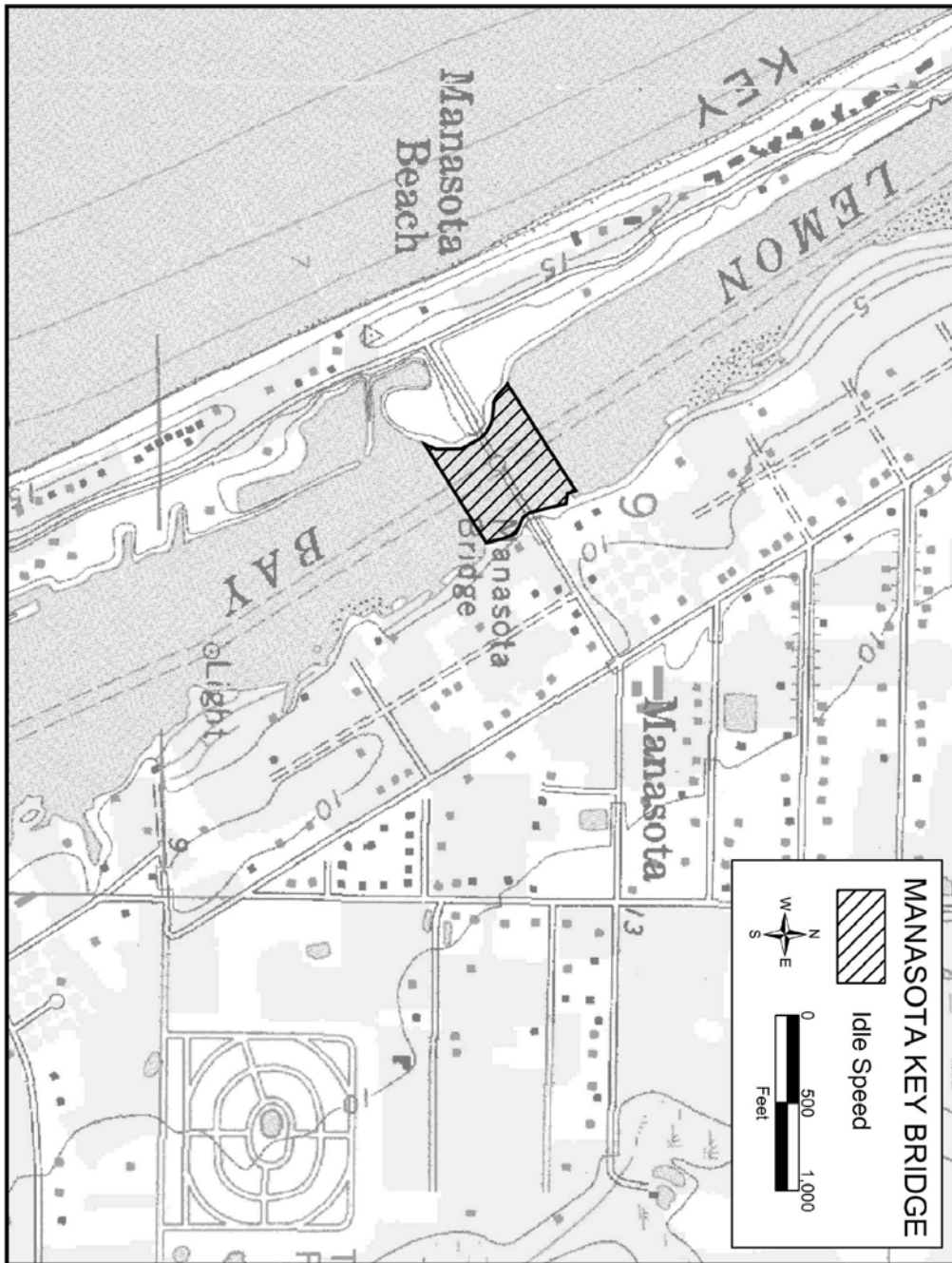
Drawing E



Drawing G



Drawing H





Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History--New 8-30-83, Formerly 16N-24.05, Amended 12-21-92, Formerly 16N-24.005, 62N-24.005, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, Extension 17169

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Florida Fish and Wildlife Conservation Commission

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

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: Organizational Structure of the Office  
RULE NO.: 69N-121.003  
PURPOSE, EFFECT AND SUMMARY: The rule establishes the organizational structure of the Office of Insurance Regulation, as required by Section 20.121(3)(b), F.S.  
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: 20.121(3)(b) FS.

LAW IMPLEMENTED: 20.121(3)(b) 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., October 25, 2005, at a regular scheduled meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Terwilliger, Legal Services, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, e-mail: kathy.terwilliger@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69N-121.003 Organizational Structure of the Office.

(1) Under the Commissioner of the Office are hereby established a chief of staff, a general counsel, and three deputy commissioners as follows:

(a) Deputy commissioner for business development and market research.

(b) Deputy commissioner for property and casualty, and

(c) Deputy commissioner for life and health and for specialty.

(2) The general counsel shall also serve as the agency clerk for the Office.

Specific Authority 20.121(3)(b) FS. Law Implemented 20.121(3)(b) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Prentiss, Legal Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Legal Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

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

**DEPARTMENT OF REVENUE**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
12A-19.071	Department of Revenue Electronic Database
12A-19.072	Certification of Service Address Databases

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to proposed new Rules 12A-19.071 and 12A-19.072, F.A.C., published in the July 22, 2005, issue of the Florida Administrative Weekly (Vol. 31, No. 29, pp. 2586-2597).

In response to written comments received from the Joint Administrative Procedures Committee, dated August 24, 2005, paragraphs (c), (d), and (g) of subsection (1) and paragraph (b) of subsection (2) of Rule 12A-19.071, F.A.C., paragraph (a) of subsection (2) of Rule 12A-19.072, F.A.C., Form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change, and the Guide for Address Change Requests have been changed.

Paragraphs (c), (d), and (g) of subsection (1) of Rule 12A-19.071, F.A.C., have been changed, so that, when adopted, those paragraphs will read as follows:

(c) Local taxing jurisdictions and communications services providers are provided with access codes to permit them to register as users of the database. Registered local taxing jurisdictions and communications services dealers have the capability of downloading databases of addresses assigned to each local taxing jurisdiction. A file of addresses in the format adopted by the Federation of Tax Administrators and the Multistate Tax Commission in accordance with the federal Mobile Telecommunications Sourcing Act is available.

(d) Upon request, the Department will allow other persons, such as third-party vendors of databases or billing services, to download the Address/Jurisdiction Database.

(g) To fulfill its statutory responsibility to maintain the database, when the Department notices apparent errors, such as an address that is assigned to multiple jurisdictions, the Department will initiate an objection to the database in accordance with the provisions of subsection (3) and will process the objection in the same manner in which other objections are processed.

Paragraph (b) of subsection (2) of Rule 12A-19.071, F.A.C., has been changed, so that, when adopted, that paragraph will read as follows:

(b) Local taxing jurisdictions must submit information requesting changes to the Address/Jurisdiction Database electronically following the on-line Guide for Address Change Requests (R. 08/26/05, hereby incorporated by reference). Only local taxing jurisdiction contact persons who are registered users of the Department's electronic change submission process can access the Guide for Address Change Requests. Authorized local jurisdiction contact persons may access the login screen for registered users at <http://geotax.state.fl.us/dorPubIdx.jsp>. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media. The information must also be submitted on Form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change (incorporated by reference in Rule 12A-19.100, F.A.C.).

Paragraph (a) of subsection (2) of Rule 12A-19.072, F.A.C., has been changed, so that, when adopted, that paragraph will read as follows:

(2)(a) Application for certification must be made to the Department on Form DR-700012, Application for Certification of Communications Services Database (incorporated by reference in Rule 12A-19.100, F.A.C.), and in accordance with the instructions on the form. All applicable portions of the application must be completed. Communications services dealers and vendors that sell databases of addresses to dealers must submit the address databases for which certification is sought with their applications.

Page 2 of Form DR-700022, Instructions for Completing Form DR-700022, Local Communications Services Tax Notification of Jurisdiction Change, has been changed, so that, when adopted, the second paragraph of the "Who must use this form?" section, will read as follows:

Note: All jurisdiction change requests must be submitted via the Department of Revenue's Internet site at <http://geotax.state.fl.us>. Competent evidence for the jurisdiction change must be submitted with this form. Competent evidence to support a change to the Address/Jurisdiction Database is documentation establishing that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request. Changes submitted online without filing this form and the proper attachments will not be considered. Local taxing jurisdictions that do not have access to computers with Internet access should contact the Department to request authorization to submit changes through alternative electronic media.

The first paragraph of Section 3.4, "Competent Evidence," of the "Guide for Address Change Requests: Procedures, Standards, Helpful Hints (How to Guide)" has been changed, so that, when adopted, that paragraph will read as follows:

To substantiate your requested database change, competent evidence must be compiled and forwarded to the DOR. This applies to all three types of changes listed in the previous section. Your competent evidence should be forwarded immediately after submitting your proposed database changes through the on-line system. Competent evidence to support a change to the Address/Jurisdiction Database is documentation establishing that the service addresses affected by the requested change or addition are located in the local taxing jurisdiction indicated on the request.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.:	RULE TITLES:
61G17-9.006	Probation
61G17-9.0065	Surrender of Seal and Cancellation of Digital Signature

**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. 13, of the April

1, 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 July 12-13, 2005, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

1. In Rule 61G17-9.0065 subsection (1) shall read: "When a licensed surveyor and mapper's license has been revoked or suspended by the board, the licensee must surrender his or her seal to the executive director of the board and also provide a sworn, written affidavit to the executive director of the board confirming that the licensee's digital signature has been cancelled within thirty (30) days of the suspension or revocation of the licensee's license."

2. In Rule 61G17-9.0065 subsection (2) shall read: "The licensee must send his or her seal and the sworn, written affidavit confirming the cancellation of his or her digital signature to the executive director of the board at the following address: Florida Board of Professional Surveyors and Mappers, c/o Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399."

3. In Rule 61G17-9.0065, subsection (3) shall read: "A suspended licensee's seal shall be returned to him or her upon the expiration of the suspension period or reinstatement of licensure. A suspended licensee may also obtain another digital signature upon expiration of the suspension period or reinstatement of licensure."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.:	RULE TITLE:
61J1-4.009	Post Licensing Education for Registered Trainee Appraisers
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. 21, of the May 27, 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, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

1. In subsection (4)(g), change the word "may" to "shall"

2. Subsection (7)(b) shall read: "Any registered trainee appraiser, licensed after July 1, 2003, who does not complete these Board prescribed post licensure educational requirements and the 3 hour Florida Real Estate Appraisal Law update prior

to the second renewal following initial registration and who does not prove that he or she failed to complete the post licensure education requirements as a result of a hardship, as defined by subsection (5) of this section, is void without further administrative action. Such person may qualify to practice as a registered trainee appraiser only by retaking the required education and complying with all other requirements of law to be registered as a registered trainee appraiser."

3. Subsection (8)(b) shall read: "Any registered trainee appraiser, licensed before July 1, 2003, who does not complete these Board prescribed post licensure educational requirements and the 3 hour Florida Real Estate Appraisal Law update prior to the second renewal following July 1, 2003, and who does not prove that he or she failed to complete the post licensure education requirements as a result of a hardship, as defined by subsection (5) of this section, is void without further administrative action. Such person may qualify to practice as a registered trainee appraiser only by retaking the required education and complying with all other requirements of law to be registered as a registered trainee appraiser."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FISH AND WILDLIFE CONSERVATION COMMISSION**

<b>Manatees</b>	
RULE NO.:	RULE TITLE:
68C-22.001	Scope and Purpose
NOTICE OF CORRECTION	

The Fish and Wildlife Conservation Commission announces a correction to the Notice of Proposed Rulemaking that was published in the Florida Administrative Weekly on July 15, 2005, Vol. 31, No. 28.

The notice should have listed "the Commission" as the entry under the "Name of person who approved the proposed rule" instead of the Executive Director, as it was the Commission that approved the proposed rule on June 15, 2005. All other aspects of the Notice of Proposed Rulemaking are as published on July 15, 2005.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Scott Calleson, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)922-4330

## 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: Waiver of Service Charges, Fees and/or Penalties For Retailers – Hurricane Katrina      RULE NO.: 53ER05-67

SUMMARY OF THE RULE: The emergency rule sets forth the provisions for the waiver of certain retailer charges, fees and/or penalties set forth in Florida Lottery rules in response to damage and loss sustained by Florida Lottery retailers from Hurricane Katrina.

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:

53ER05-67 Waiver of Service Charges, Fees and/or Penalties for Retailers – Hurricane Katrina.

(1) Notwithstanding Florida Lottery Rules 53ER05-9 Retailer Application and Fee Schedule, 53ER05-13 Retailer Responsibilities, 53ER05-16 Retailer Accountability and 53ER05-19 Lost, Stolen or Damaged Instant Lottery Tickets, this emergency rule sets forth provisions for the waiver of certain retailer charges, fees and/or penalties set forth in the above-referenced rules in response to damage and loss sustained by Florida Lottery retailers from Hurricane Katrina.

(2) Data Line Weekly Service Charge.

(a) The weekly service charge set forth in Rule 53ER05-13, F.A.C., shall be waived for any accounting week in which a retailer meets the following criteria:

1. The retailer's business is located in one of the following counties of Florida that have been declared disaster areas as of August 28, 2005:

Broward and Miami-Dade; or

2. The retailer's business is located in a county that is declared a disaster area on or after August 28, 2005; and

3. The retailer's sales status is "non-selling" as determined by reviewing the retailer's Week To Date Sales Report on Sunday of each accounting week.

(b) The service charge waiver set forth in this subsection shall remain in effect until such time as the retailer regains its selling status, or this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence, whichever occurs first, except as provided in paragraph (2)(c) below.

(c) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's non-selling status is for reasons not attributable to Hurricane Katrina, in which case the weekly service charge will be assessed in the regular manner.

(3) Electronic Funds Transfer (EFT) Delinquency Penalty.

(a) Except as provided in paragraph (3)(d) below, a penalty for an EFT delinquency as set forth in Rule 53ER05-16, F.A.C., shall be waived provided the retailer meets the criteria set forth in subparagraph (2)(a)1. or 2., or as provided in paragraph (3)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination for retailers requesting a waiver of the EFT delinquency penalty who are not located in the disaster area. (Example: the retailer is able to conduct business activities but is unable to make a bank deposit due to complications associated with the bank's location in the disaster area.)

(c) Except as provided in paragraph (3)(d) below, the penalty waiver set forth in this subsection shall remain in effect until such time as this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

(d) The Florida Lottery reserves the right to make a case-by-case determination as to whether an EFT delinquency penalty assessed to a retailer shall be waived. (Example: the retailer is located within the disaster area but its EFT delinquency occurrence is for reasons not attributable to Hurricane Katrina.)

(4) Lost, Stolen or Damaged Instant Lottery Ticket Service Fees for Inactive Books.

(a) The service fee for books of instant tickets reported as lost, stolen, or damaged as set forth in Rule 53ER05-19, F.A.C., that were in received status as of August 28, 2005, shall be waived provided the retailer meets the criteria set forth in subparagraph (2)(a)1. or 2., except as provided in paragraph (4)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer's reporting of inactive lost, stolen, or damaged books is for reasons not attributable to Hurricane Katrina, in which case the service fee will be assessed in the regular manner.

(c) The fee waiver set forth in this subsection shall remain in effect until such time this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

(5) Retailer Application Fee – Change of Location.

(a) The \$10.00 fee for retailers that apply to a change of location as set forth in Rule 53ER05-9, F.A.C., shall be waived provided the retailer meets the criteria set forth in subparagraph (2)(a)1. or 2., except as provided in paragraph (5)(b) below.

(b) The Florida Lottery reserves the right to make a case-by-case determination as to whether the retailer’s change in location is for reasons not attributable to Hurricane Katrina, in which case the fee will be assessed in the regular manner.

(c) The fee waiver set forth in this subsection shall remain in effect until such time this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

Specific Authority 24.105(9)(j), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(j), 24.112(1) FS. History—New 9-1-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 1, 2005

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 594, HIGH STAKES  
 RULE NO.: 53ER05-68

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 594, “HIGH STAKES,” 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:

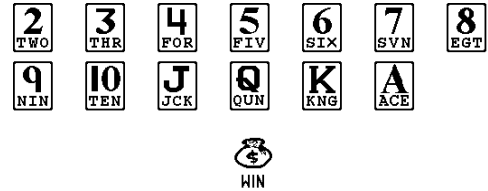
53ER05-68 Instant Game Number 594, HIGH STAKES.

(1) Name of Game. Instant Game Number 594, “HIGH STAKES”.

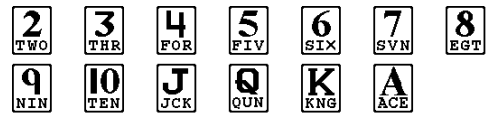
(2) Price. HIGH STAKES lottery tickets sell for \$2.00 per ticket.

(3) HIGH STAKES lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning HIGH STAKES lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-60, F.A.C.

(4) The “YOUR CARDS” play symbols and play symbol captions are as follows:



(5) The “WINNING CARDS” play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FIVE	TEN
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$1,000</b>	<b>\$20,000</b>
THY FIVE	FIFTY	ONE HUN	ONE THO	TWY THO

(7) The legends are as follows:

YOUR CARDS      WINNING CARDS

(8) Determination of Prizewinners.

(a) A ticket having a card in the “YOUR CARDS” play area that matches either card in the “WINNING CARDS” play area shall entitle the claimant to the corresponding prize shown for that card. A ticket may have up to five sets of matching cards. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$1,000 and \$20,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$2.00 instant ticket, or a combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a HIGH STAKES lottery ticket which 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.



(b) A ticket having a “WIN” symbol in the “YOUR CARDS” play area shall be entitled to a prize of \$50.00.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 594 are as follows:

GAME PLAY:	WIN:	NUMBER OF	
		ODDS OF	WINNERS IN 28 POOLS OF 180,000 TICKETS PER POOL:
TICKET	\$2 TICKET	1 IN:	504,000
\$2	\$2	50.00	100,800
\$2 x 2	\$4	25.00	201,600
\$1 + (\$2 x 2)	\$5	37.50	134,400
\$5	\$5	37.50	134,400
\$1 + (\$2 x 2) + \$5	\$10	75.00	67,200
\$2 x 5	\$10	75.00	67,200
\$10	\$10	150.00	33,600
\$5 x 5	\$25	150.00	33,600
(\$5 x 2) + (\$10 x 4)	\$50	1,200.00	4,200
\$10 x 5	\$50	1,200.00	4,200
\$50 (MONEYBAG)	\$50	450.00	11,200
\$10 x 10	\$100	50,400.00	100
(\$25 x 2) + \$50 (MONEYBAG)	\$100	29,647.06	170
\$100	\$100	50,400.00	100
(\$25 x 6) + \$50 (MONEYBAG)	\$200	100,800.00	50
\$100 x 10	\$1,000	168,000.00	30
\$1,000	\$1,000	252,000.00	20
\$20,000	\$20,000	2,520,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 594 are 1 in 3.89. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 594, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a HIGH STAKES lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for HIGH STAKES 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 9-1-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 1, 2005

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 601, PAY DAY BONUS  
 RULE NO.: 53ER05-69  
 SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 601, "PAY DAY BONUS," 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:

53ER05-69 Instant Game Number 601, PAY DAY BONUS.

(1) Name of Game. Instant Game Number 601, "PAY DAY BONUS."

(2) Price. PAY DAY BONUS lottery tickets sell for \$1.00 per ticket.

(3) PAY DAY BONUS lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning PAY DAY BONUS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-60, F.A.C.

(4) The play symbols and play symbol captions are as follows:




(5) The "PRIZE BOX" symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FOUR	FIVE	TEN
<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$250</b>	<b>\$500</b>	<b>\$1,500</b>
THY FIVE	FIFTY	ONE HUN	TWO HUN FTY	FIVE HUN	FTNHUN



(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
ONE	TWO	THREE	FOUR	FIVE	SIX
<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELV
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
NINTN	TWENTY	THYONE	THYTWO	THYTHR	THYFOR
<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	
THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	WIN

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
ONE	TWO	THREE	FOUR	FIVE	SIX
<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELV
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN
<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
NINTN	TWENTY	THYONE	THYTWO	THYTHR	THYFOR
<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	
THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	

(6) The prize symbols and prize symbol captions are as follows:

<b>\$5.00</b>	<b>\$10.00</b>	<b>\$15.00</b>	<b>\$20.00</b>
FIVE	TEN	FIFTEEN	TWENTY
<b>\$25.00</b>	<b>\$40.00</b>	<b>\$50.00</b>	<b>\$100</b>
THY FIV	FORTY	FIFTY	ONE HUN
<b>\$200</b>	<b>\$500</b>	<b>\$1,000</b>	<b>\$10,000</b>
TWO HUN	FIVE HUN	ONE THO	TEN THO
			<b>\$250,000</b>
			TWO FTY THO

(7) The legends are as follows:

WINNING NUMBERS      YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to 20 sets of matching numbers.

(b) The prizes are: \$5.00, \$10.00, \$15.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$250,000.



(c) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$200.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 611 are as follows:

GAME PLAY:	WIN:	ODDS OF	NUMBER OF
		1 IN:	WINNERS IN
			42 POOLS OF
			120,000 TICKETS
			PER POOL:
\$5 x 2	\$10	15.00	336,000
\$10	\$10	30.00	168,000
\$5 x 3	\$15	30.00	168,000
\$15	\$15	30.00	168,000
\$10 x 2	\$20	30.00	168,000
\$20	\$20	30.00	168,000
(\$5 x 4) + (\$10 x 2)	\$40	100.00	50,400
\$5 + \$15 + \$20	\$40	150.00	33,600
\$10 x 4	\$40	100.00	50,400
\$20 x 2	\$40	300.00	16,800
\$40	\$40	300.00	16,800
\$5 x 20	\$100	600.00	8,400
\$10 x 10	\$100	600.00	8,400
(\$10 x 6) + (\$20 x 2)	\$100	600.00	8,400
\$25 x 4	\$100	600.00	8,400
\$100	\$100	600.00	8,400
\$10 x 20	\$200	6,000.00	840
(\$10 x 10) + (\$25 x 4)	\$200	6,000.00	840
\$50 x 4	\$200	6,000.00	840
\$20 x 10	\$200	6,000.00	840
\$200 (DOLLAR BILL)	\$200	230.77	21,840
\$25 x 20	\$500	2,400.00	2,100
(\$50 x 6) + (\$100 x 2)	\$500	12,000.00	420
(\$20 x 10) + (\$50 x 6)	\$500	6,000.00	840
\$100 x 5	\$500	12,000.00	420
\$500	\$500	12,000.00	420
\$50 x 20	\$1,000	30,000.00	168
(\$100 x 6) + (\$200 x 2)	\$1,000	30,000.00	168
\$200 x 5	\$1,000	30,000.00	168
\$500 x 2	\$1,000	30,000.00	168
\$1,000	\$1,000	30,000.00	168
\$500 x 20	\$10,000	168,000.00	30
\$10,000	\$10,000	168,000.00	30
\$250,000	\$250,000	1,260,000.00	4

(10) The estimated overall odds of winning some prize in Instant Game Number 611 are 1 in 3.56. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 611, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a SPARKLING GOLD lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.



(13) Payment of prizes for SPARKLING GOLD 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 9-1-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 1, 2005

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section V**

**Petitions and Dispositions Regarding Rule Variance or Waiver**

**DEPARTMENT OF EDUCATION**

The Commission for Independent Education hereby gives notice of the issuance of an Order regarding the Petition for Variance for Rainbow Reef Dive Center. The Notice of Petition for Variance was published in Vol. 31, No. 19, of the May 13, 2005, Florida Administrative Weekly. The Commission considered the Petition at a duly-noticed public meeting held on July 22, 2005.

The Commission’s Order, filed on August 22, 2005, denies the Petition, finding that Petitioner has not established that the purpose of the underlying statute, Section 120.542(2), F.S., would be met by granting a variance or waiver from subsection 6E-2.004(6), F.A.C. The Commission further finds that Petitioner has not demonstrated that applying the aforementioned Rule to their institution’s circumstances would violate principles of fairness or impose a substantial hardship.

A copy of the Commission’s Order may be obtained by contacting: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301.

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by LEON COUNTY.

This petition was assigned the number DCA05-WAI-157.

Notice of this petition appeared in the August 26, 2005, edition of the Florida Administrative Weekly. It is ordered that the Petition for Waiver by Petitioner LEON COUNTY be, and by this Final Order is, hereby GRANTED.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by WASHINGTON COUNTY.

This petition was assigned the number DCA05-WAI-160.

Notice of this petition appeared in the August 26, 2005, edition of the Florida Administrative Weekly. It is ordered that the Petition for Waiver by Petitioner WASHINGTON COUNTY be, and by this Final Order is, hereby GRANTED.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by the CITY OF FLORIDA CITY.

This petition was assigned the number DCA05-WAI-164.

Notice of this petition appeared in the September 2, 2005, edition of the Florida Administrative Weekly. It is ordered that the Petition for Waiver by Petitioner CITY OF FLORIDA CITY be, and by this Final Order is, hereby GRANTED.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Health Care Administration hereby gives notice that it has issued an Order on the Petition for Waiver filed by FINR III, LLC, seeking a waiver from paragraph 59A-4.1295(7)(d), F.A.C., with regard to waiving the creation of a distinct and separate pediatric unit for children within a skilled nursing facility. The Petition was filed on May 10, 2005, and the Notice was published in Vol. 31, No. 21, of the May 27, 2005, Florida Administrative Weekly. The Agency considered the Petition at a meeting held on August 4, 2005 and voted to deny the Petition for the following reason: the Petitioner failed to demonstrate a hardship. The Agency's Order denying the Petition was filed on September 6, 2005.

A copy of the Agency's Order may be obtained by contacting: CaraLee Starnes, Agency for Health Care Administration, 2727 Mahan Drive, MS #33, Tallahassee, Florida 32308 or by calling (850)488-5861.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on August 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 Cold Stone Creamery located in Coral Springs. 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 ten (10) seats for a total of twenty (20) seats which exceeds the seating capacity with only one accessible bathroom facility accessible to customers.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN that on September 6, 2005, the Department received a Petition for Waiver from subsection 64B21-500.005(2), F.A.C., from David Carlyle. The Petition requests a Waiver from the rule that specifies that the applicant had 1.5 hours per week of face to face supervision.

Comments on this Petition should be filed with: Kaye Howerton, Executive Director, Office of School Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Office of School Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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NOTICE IS HEREBY GIVEN that on August 29, 2005, the Department of Health received a Petition for a Variance from paragraph 64E-13.004(6)(a), F.A.C., from Evangel Christian Academy. This rule requires schools to have toilet facilities for preschool grades through grade three to be provided with toilet and handwashing facilities located within or adjoining classrooms. The Evangel Christian Academy is a private school located in Tallahassee, Florida.

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

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

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## Section VI

### Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration

Division of Bond Finance

Financial Services Commission:

Office of Insurance Regulation

Office of Financial Regulation

Financial Management Information Board

Department of Veterans' Affairs

Department of Highway Safety and Motor Vehicles

Department of Law Enforcement

Department of Revenue

Administration Commission

Florida Land and Water Adjudicatory Commission

Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection

DATE AND TIME: October 4, 2005, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

Regular scheduled meeting of the Governor and Cabinet to act on all executive branch matters provided by law and to act on any agendas submitted for their consideration. The Governor and Cabinet will proceed through each agenda, item by item.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968.

The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to; matters relating to rulemaking for all activities of the Office of Insurance Regulation concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of

certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and matters related to rulemaking for all activities of the Office of Financial Regulation relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to various statutes including Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as aquacultural issues as presented

by the Division of Aquaculture in the Department of Agriculture and Consumer Services mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, conservation and preservation lands and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters pertaining to the Office of Greenways and Trails for lands acquired through the Greenways and Trails land acquisition program and lands managed by the Office of Greenways and Trails. The Department of Environmental Protection, as staff to the Board of Trustees of the Internal Improvement Trust Fund in addition to the above, will also present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas submitted to the Governor and Cabinet for this meeting may be obtained by viewing the website of the Governor and Cabinet at <http://www.myflorida.com/myflorida/cabinet/index.html> or by contacting each individual agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

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## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **State Fair Authority** announces a meeting of the Full Board to which all interested persons are invited to participate.

**DATE AND TIME:** Tuesday, October 11, 2005, 1:00 p.m.

**PLACE:** Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Old and New Business.

**Agenda:** A copy of the agenda may be obtained by contacting: Mr. Charles C. Pesano, Executive Director, Florida State Fairgrounds, P. O. Box 11766, Tampa, FL 33680.

If special accommodations, due to a disability, need to be arranged for attendance to this meeting, please contact Mr. Charles C. Pesano, at the address above or (813)627-4220.

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The **Honey Bee Technical Council** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, September 28, 2005, 10:30 p.m. – 3:30 p.m.

**PLACE:** Doyle Conner Building, 1911 South West 34 Street, Gainesville, Florida 32608, (352)372-3505

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To consider the following agenda items: 1. Welcoming and Opening Remarks; 2. Roll Call; 3. Review of Honey Bee Technical Council Minutes from June 29, 2005; 4. Review of African Honey Bee Certification Program; 5. Lunch On Your Own; 6. Open Discussion on the Proposed African Honey Bee Certification Program; 7. Other Issues; 8. Adjourn.

A copy of the agenda may be obtained by contacting: Division of Plant Industry, P. O. Box 147000, Gainesville, Florida 32614-7100. Please contact Mr. Gerald Hayes, (352)372-3505, if you have any questions.

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The **Subcommittee on Aerial Application** announces the seventh business meeting to which all interested persons are invited to participate.

**DATE AND TIME:** October 11, 2005, 10:00 a.m. – 2:00 p.m.

**PLACE:** Pasco County Mosquito Control, 2308 Marathon Road, Odessa, Florida 33556

**Contact:** Jane A.S. Barber, Florida A & M University, Public Health Entomology Research and Education Center, (850)872-4184, Ext. 25.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The focus of this committee is to develop both pure research and operational research to fill information gaps in our knowledge base on optimization of aerial pesticide application. Find funding for research and organize dedicated teams to produce the caliber and quantity of data necessary. This meeting will be a follow up on the development of drift models and standards for aerial application in mosquito control.

**AGENDA:** Open Meeting; Review Minutes; Approve Minutes; Discussion Items – Collation air craft and application system types for an FDACS technical Memoranda, Research into Nozzle Wear: Where are we now?, Discussions on the development of a standard record keeping form for aerial applications and Best management practices: Should this be incorporated into the efficacy validation efforts. Such a joint venture may help the progress and will definitely remove possible duplication of efforts, Labels: some issues have arisen those contracted to write the label language do not seem to understand the language, Operational field trial methods; Any Other Business; Meeting Close.

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The Florida **Department of Agriculture and Consumer Services** announces a meeting with the Florida Shrimp Working Group.

DATE AND TIME: Thursday, September 22, 2005, 9:30 a.m.

PLACE: Dixie Crossroads Restaurant, 1475 Garden Street, Titusville, FL 32796

GENERAL SUBJECT MATTER TO BE CONSIDERED: Shrimp Industry Meeting – The purpose of this meeting is to receive recommendations from the industry regarding marketing and education efforts.

For additional information, or if you need special accommodations due to disability, please call: Casie Oliver, (850)488-0163.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, October 7, 2005, 11:00 a.m.

PLACE: 1st United Bank, One North Federal Hwy., Boca Raton, Florida 33432

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss: Consumer-related issues; Proposed legislation for the 2006 Florida session addressing issues of interest to consumers; and Issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

#### DEPARTMENT OF EDUCATION

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel, Administrator Hearing Panel and Business Meeting; all persons are invited.

Teacher Hearing Panel

DATE AND TIME: September 22, 2005, 2:00 p.m.

Business Meeting

DATE AND TIME: September 23, 2005, 8:30 a.m.

Administrator Hearing Panel

DATE AND TIME: September 23, 2005, 9:45 a.m. immediately followed by a Teacher Hearing Panel

PLACE: Homewood Suites Hotel, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System, 711.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 30, 2005 1:30 p.m.

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested at least 48 hours in advance from the aforementioned address.

The Florida **Department of Education**, Office of Independent Education and Parental Choice announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

DATES AND TIME: September 28-29, 2005, 9:00 a.m. – completion

PLACE: The Council Chambers, 2nd Floor, City Hall, 400 South Orange Avenue, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission hearings for 2005-2006 charter school application denials for: Mandela-Nguzo Saba Charter School vs. The School Board of Palm Beach County and Imhotep-Nguzo Saba Charter School vs. The School Board of Palm Beach County. Also, a hearing for charter school renewal denial for Students Are For Education, Inc. vs. The School Board of Jackson County.

**DEPARTMENT OF COMMUNITY AFFAIRS**

The **Florida Building Commission** hereby gives notice that there will be an additional hearing on Chapter 9B-72, F.A.C.

DATE AND TIME: October 11, 2005, 9:15 a.m.

PLACE: Rosen Centre, 9840 International Drive, Orlando, Florida 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the additional hearing is to consider comments by the contracted administrator of the product approval system and equivalent standards submitted by industry representatives and additional comments on the rule draft by the public.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ADDITIONAL HEARING IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824.

The **State Emergency Response Commission (SERC) for Hazardous Materials** announces a meeting of the Training Task Force to which all persons are invited.

DATE AND TIME: October 6, 2005, 10:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)413-9970, at least five calendar days prior to the meeting.

If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

The **State Emergency Response Commission (SERC) for Hazardous Materials** announces a meeting of all Local Emergency Planning Committees chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: October 6, 2005, 1:30 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

The **State Emergency Response Commission (SERC) for Hazardous Materials** announces a meeting to which all persons are invited.

DATE AND TIME: October 7, 2005, 10:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

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### DEPARTMENT OF TRANSPORTATION

The **Department of Transportation, Florida's Turnpike Enterprise** announces a public hearing to which all persons are invited.

DATE AND TIMES: Tuesday, October 11, 2005, 5:30 p.m. – Open House; 6:30 p.m. – Formal Presentation

PLACE: Coconut Creek Community Center, 1100 Lyons Road, Coconut Creek, Florida 33066 (In the event that the public hearing can not be held on October 11, 2005, due to severe weather or other unforeseen conditions, it will then be held on October 18, 2005, at the same time and place.)

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, F.A.C., and Section 335.18, F.S. This hearing is being noticed and held in accordance with Section 339.155, F.S., Chapter 120, F.S., 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 location, conceptual design, social, economic and environmental effects of the proposed project, Financial Project Identification Number 406150-1, otherwise known as the widening of the Florida's Turnpike from Atlantic Boulevard (SR 814) to the Sawgrass Expressway (SR 869). Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988.

Anyone needing project or Public Hearing information, including a copy of the hearing agenda, may contact: Mr. Peter Kühne, P.E., Project Manager, Florida's Turnpike Enterprise, Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (954)975-4855, Extension 3434, e-mail: peter.kuhne@dot.state.fl.us.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact: Mr. Jeffrey LeClaire, P.E., Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, (954)975-4855, Extension 3826, e-mail: jeffrey.leclaire@dot.state.fl.us.

Special accommodation requests under the Americans with Disabilities Act must be received at least seven (7) days prior to the Public Hearing.

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

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

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### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 28, 2005, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

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### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*October 3, 2005, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

\*In the event of a scheduling conflict, this meeting may be rescheduled to October 4, 2005, in Room 140, immediately preceding or immediately following the Commission Conference.

\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\*

The Florida **Public Service Commission** announces a prehearing and hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 040029-EG – Petition for approval of numeric conservation goals by Florida Power & Light Company.

Docket No. 040660-EG – Petition for approval of modifications to BuildSmart Program by Florida Power & Light Company.

#### PREHEARING

DATE AND TIME: October 3, 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.

#### HEARING

DATE AND TIME: October 10, 2005, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the petition for approval of numeric conservation goals by Florida Power & Light Company, and for such other purposes as the

Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on October 3, 2005. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at the prehearing or hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the particular event. 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: October 4, 2005, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366 and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting: Division of the Commission Clerk and Administrative Services, Director, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770. The agenda and recommendations are also accessible on the PSC Homepage, <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).



The Florida **Public Service Commission** announces two Customer Meetings to be held in the following dockets, to which all interested persons and parties are invited to attend.

Docket No. 050001-EI – Fuel and Purchased Power Cost Recovery Clause with Generating Performance Incentive Factor.

Docket No. 050317-EI – Petition For Approval of Application Of Temporary Fuel Clause Additive Charge to Mitigate Effects of New Fuel Contracts Effective January 1, 2008, By Florida Public Utilities Company.

DATE AND TIME: Wednesday, October 5, 2005, 6:00 p.m. (EST)

PLACE: Fernandina Beach City Hall, City Commission Chambers, 204 Ash Street, Fernandina Beach, Florida

DATE AND TIME: Thursday, October 6, 2005, 6:00 p.m. (CST)

PLACE: Jackson County Administration Bldg., County Commission Meeting Room, 2864 Madison Street, Marianna, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these customer meetings is to provide an opportunity for customers to provide comments on Florida Public Utilities Company's petition requesting the application of a temporary fuel clause additive charge to mitigate the effects of new purchased power contracts that will be effective January 1, 2008.

Any person requiring some accommodation at these hearings because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). One or more of the Commissioners of the Florida Public Service Commission may attend and participate in these meetings.

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 050274-WS – Application for Staff-Assisted Rate Case in Pasco County by Silver Fox Utility Company LLC d/b/a Timberwood Utilities

DATE AND TIME: Thursday, October, 13, 2005, 6:00 p.m.

PLACE: Arbor Oaks Club House, 36323 Arbor Oaks Drive, Zephyrhills, FL 33541

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit customers to give testimony regarding the rates and service of Silver Fox Utility Company LLC d/b/a Timberwood Utilities.

A copy of the agenda for this meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., 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 speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD). One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

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#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Film and Entertainment**, the **Florida Film and Entertainment Advisory Council Legislative Committee**, and the **Film Florida Legislative Committee** will convene in a teleconference call. This is a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 20, 2005, 2:00 p.m.

PLACE: The Governor's Office of Film and Entertainment, 400 South Monroe Street, Suite 2002, The Capitol, Tallahassee, FL, CALL IN #: Toll Free 1(877)651-3473, Local (850)413-9245, Suncom 293-9245

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss legislative issues relating to the entertainment industry in Florida.

A copy of the agenda may be obtained by writing: Niki Welge, Production Coordinator, the Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001, (850)410-4765. Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, F.S., any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

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#### REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 6, 2005, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, F.S., may attend and speak at the meeting.

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The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 6, 2005, 9:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters. A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, F.S., may attend and speak at the meeting.

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The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 6, 2005, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, F.S., may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Ad Hoc Selection Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 6, 2005, 11:30 a.m. immediately following the monthly meeting

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is established to discuss Regional Leadership Awards.

A copy of the Ad Hoc Selection Committee 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.

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The **Northeast Florida Regional Council**, Ad Hoc Committee on Beach Access announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 6, 2005, 11:30 a.m. after monthly meeting

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee is established to examine how the Council can address the issue of Beach Access.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, F.S., may attend and speak at the meeting.

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The **Tampa Bay Local Emergency Planning Committee**, (LEPC) District VIII announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 28, 2005, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727)570-5151, Ext 33.

Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, within three working days of the meeting.

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The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, October 3, 2005, 10:30 a.m.

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendments for Doral, Coconut Creek, Lauderdale Lakes, Miramar, North Lauderdale and Broward County; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

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The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited. In addition to its regular business, the agenda will include the review of any Local Government Plan Amendment(s) received in a timely manner.

DATE AND TIME: Thursday, September 29, 2005, 10:30 a.m. Eastern Time, 9:30 a.m. Central Time

PLACE: Holiday Inn Select, 316 W. Tennessee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold the regular monthly meeting of the Apalachee Regional Planning Council's Board of Directors.

An agenda may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue East, Suite 1, Blountstown, FL 32424, (850)674-4571.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices, (850)674-4571, prior to the meeting.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

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#### WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 27, 2005, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop.

DATE AND TIME: September 27, 2005, 5:30 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final Public Hearing on FY 2005-2006 budget and proposed millage rate.

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 M. Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

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The **Suwannee River Water Management District** announces the following public meeting to which all interested persons are invited.

DATE AND TIME: September 29, 2005, 6:30 p.m.

PLACE: Tommy Usher Center, 506 S. W. 4th Avenue, Chiefland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Receive public comment on the recommended minimum flows and levels (MFLs) for Lower Suwannee River, Fanning Spring and Manatee Spring.

A copy of the Draft technical document is available on the District's website: [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com), or may be obtained by writing: SRWMD, Attn. David Hornsby, 9225 CR 49, Live Oak, Florida 32060.

Florida Statutes require that MFLs (water levels and/or flows designed to prevent significant harm to water resources) be established for water bodies. The Suwannee River Water Management District has gathered technical data and information to develop MFLs for the Lower Suwannee River, Fanning Spring and Manatee Spring.

MFLs help in the water supply planning process and in determining water availability for consumptive use purposes. In addition, they will provide guidance in making water use permitting decisions; ensure sufficient water resources for the public and ecosystems; protect wetlands, fish and wildlife habitat; and provide protection of water resources for navigation and recreation.

Persons with disabilities who need assistance in order to participate in this meeting may contact David Hornsby, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

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The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

**SPRINGS COAST ENVIRONMENTAL EDUCATION CENTER**

DATE AND TIME: Monday, September 26, 2005, 2:00 p.m. – 3:30 p.m.

PLACE: Springs Coast Environmental Education Center, 9170 Cortez Boulevard, Weeki Wachee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Dedication of the Environmental Education Center.

**GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING**

DATE AND TIME: Tuesday, September 27, 2005, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing.

**GOVERNING BOARD FINAL BUDGET HEARING**

DATE AND TIME: Tuesday, September 27, 2005, 5:01 p.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board adoption of final millage rate and budget for FY 2006 budget.

**GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING AND PUBLIC HEARING** (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, September 28, 2005, 9:00 a.m.

PLACE: SWFWMD, District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct of Committee meetings, Board meeting and public hearing.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), Extension 4609, TDD only 1(800)231-6103 (Florida only) Fax (352)754-6874.

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The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

**CITRUS/HERNANDO WATERWAYS RESTORATION COUNCIL**

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

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Council business.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), Extension 4227.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida) or (352)796-7211, Extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida).

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Friday, September 23, 2005, 12:00 Noon – 3:00 p.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: The District desires to develop a pool of qualified firms that can provide the District with construction services.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website <http://www.sfwmd.gov/agenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Sandra Hammerstein or Jim Reynolds, Procurement Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6612, West Palm Beach, FL 33406, (561)686-8800, Ext. 2847 and Ext. 2397 respectively.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Monday, September 26, 2005, 2:00 p.m.

PLACE: 210 Military Trail, Town of Jupiter Community Center, Jupiter, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Loxahatchee River Management Coordinating Council.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6880, 210 Atlanta Avenue, Stuart, Florida 34994.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Gardenia Banks Long, Martin/St.Lucie Service Center, 210 Atlanta Avenue, Stuart, FL 34994, (772)223-2600, Ext. 3617.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Monday, September 26, 2005, 7:00 p.m.

PLACE: City of Sweetwater, City Hall, 500 S. W. 109th Street, Sweetwater, Florida 33174

GENERAL SUBJECT MATTER TO BE CONSIDERED: Sweetwater Public Meeting to review plans and process for gravity wall construction on Canal C-4 in Sweetwater.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 2220, 2121 S. W. 3rd Avenue, 6th Floor, Miami, Florida 33129, District Website <http://www.sfwmd.gov/agenda.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: Audrey Ordenes, Miami-Dade Regional Service Center, 2121 S. W. 3rd Avenue, Mail Stop 2220, 6th Floor, Miami, Florida 33129, (305)377-7274, Ext. 7279.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Monday, September 26, 2005, 8:00 a.m.

PLACE: A. R. M. Loxahatchee National Wildlife Refuge, Everglades Program Team Conference Room, 10216 Lee Rd., Boynton Beach, Florida 33437

GENERAL SUBJECT MATTER TO BE CONSIDERED: Technical Marsh Sampling Workshop as requested by the Everglades Technical Oversight Committee (TOC) to discuss sampling procedures and train sampling personnel.

This workshop will include both a discussion session and an on-site field demonstration and hands-on training. Due to logistics, such as limited capacity on the airboats, and for safety reasons, the number of on-site field and hands-on participants will be limited. Priority will be given to agency personnel and technical staff responsible for actual sample collection or preparing sampling procedures.

A copy of the agenda may be obtained by contacting: Ms. Delia Ivanoff, South Florida Water Management District, MS 4610, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2681, e-mail: [divanoff@sfwmd.gov](mailto:divanoff@sfwmd.gov).

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: Ms. Delia Ivanoff, South Florida Water Management District, MS 4610, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2681, e-mail: [divanoff@sfwmd.gov](mailto:divanoff@sfwmd.gov).

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**REGIONAL UTILITY AUTHORITIES**

**Tampa Bay Water** announces the 2006 Meeting Schedule of the Board of Directors to which all persons are invited.

**2006 REGULAR BOARD MEETING SCHEDULE**

**DATES AND TIMES:** February 20, 2006, 9:00 a.m.; April 17, 2006, 8:30 a.m. – Budget Workshop, 9:00 a.m. – Board Meeting; June 19, 2006, 9:00 a.m.; August 21, 2006, 9:00 a.m.; October 16, 2006, 9:00 a.m.; December 18, 2006, 9:00 a.m.

**PLACE:** 2575 Enterprise Road, Clearwater, Florida 33763

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at [www.tampabaywater.org](http://www.tampabaywater.org).

If an accommodation is needed for a disability in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

**DEPARTMENT OF ELDER AFFAIRS**

The Nominating Committee for District Council Chair, **Mid and South Pinellas Long-Term Care Ombudsman Council** announces a meeting to which all interested persons are invited to participate.

**DATE AND TIME:** Monday, September 12, 2005, 1:00 p.m.

**PLACE:** Mary Grizzle Building, 11351 Ulmerton Rd., Conference Room 390A, Largo, FL 33778

For more information call: (727)588-6912.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Health Care Facility Website Technical Workgroup, to which all interested parties are invited.

**DATE AND TIME:** Friday, September 23, 2005, 10:00 a.m.

**PLACE:** Anyone interested in participating may telephone (850)410-0966 or Suncom 210-0966

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct a meeting of the Health Care Facility Website Technical Workgroup to discuss reporting health care data on the AHCA web site.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Adrienne Henderson, (850)922-0594, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Adrienne Henderson, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at [http://ahca.myflorida.com/SCHS/chistwq\\_hcfw.shtml](http://ahca.myflorida.com/SCHS/chistwq_hcfw.shtml) seven (7) days prior to the meeting.

The **Agency for Health Care Administration**, in conjunction with the **Department of Elder Affairs** announces the following public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, September 27, 2005, 2:00 p.m. – 4:00 p.m. (CDT) (Advance registration for those wishing to comment during the public comment period will begin at 1:00 p.m. (CDT))

**PLACE:** University of West Florida, Music Hall, Fine and Performing Arts Center, Bldg. 82, Pensacola, Florida (Note: Free parking will be available on campus adjacent to the Performing Arts Center on the UWF campus. Directions to the UWF campus can be located via the internet: <http://uwf.edu/UWFMain/campusmap/> or by calling (850)474-2000.)

The University of West Florida will broadcast this meeting live via the internet: <http://uwf.tv>.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** SB 838 mandates the Agency for Health Care Administration, in consultation with the Department of Elder Affairs, to create an, “integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The Agency for Health Care Administration shall implement the integrated system initially on a pilot basis in two areas of the state.” The Agency for Health Care Administration will be submitting a waiver application to the Centers for Medicare and Medicaid Services to obtain federal approval for implementation of the voluntary and mandatory managed, integrated long term care pilots. The voluntary pilot site will include the following counties: Seminole, Orange, Brevard, and Osceola. The mandatory pilot site will include the following counties: Escambia, Santa Rosa, Okaloosa and Walton.

The public meeting will include an overview of the proposed program and an opportunity for public comment on a first come, first serve basis.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should advise the Agency at least seventy-two (72) hours before the meeting by contacting: Alexandra terHorst, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)487-2618, e-mail: [terhors@ahca.myflorida.com](mailto:terhors@ahca.myflorida.com).

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: September 29, 2005, 10:00 a.m. – 3:00 p.m.

PLACE: University of South Florida, College of Business Administration, Room 230, Second Floor, Business School Annex, 4202 East Fowler Avenue, Tampa, Florida 33620

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need Interventional Cardiology Advisory Group Meeting.

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail: COLVINL@ahca.myflorida.com. To be included in e-mail notices of the interventional cardiology advisory group, please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: September 27, 2005, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the public portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Florida **Board of Pilot Commissioners** announces the following meetings, to which all persons are invited to attend.

DATE AND TIME: September 29, 2005, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Finance Committee Meeting and Rules Committee Meeting immediately followed by Probable Cause Panel meeting, which portions may be closed to the public.

DATE AND TIME: September 30, 2005, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

PLACE: Wyndham Reach Resort, 1435 Simonton Street, Key West, FL 33040

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Pilot Commissioners, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)922-6096, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, September 19, 2005, 4:00 p.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public.)

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission (FREC)** announces a public meeting to which all persons are invited.

**DATES AND TIMES:** Tuesday, September 20, 2005, 8:30 a.m.; meeting will reconvene on Wednesday, September 21, 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, Chapter 61J2, F.A.C., 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, 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**, Medical Fraud Committee announces a meeting to which all persons are invited.

**DATE AND TIME:** Monday, September 26, 2005, 6:00 p.m.

**PLACE:** Hyatt Regency Orlando Airport, 9300 Airport Blvd., Orlando, Florida 32827, (407)825-1234

**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, Florida Board of Medicine, 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 is to be based.

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

**DATE AND TIME:** Thursday, October 6, 2005, 6:00 p.m. – 9:00 p.m.

**PLACE:** Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

**DATES AND TIME:** Friday and Saturday, October 7-8, 2005, 8:00 a.m.

**PLACE:** Crowne Plaza, 555 Hazeltine National Drive, Orlando, FL 32812, (850)856-0100



GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

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The **Department of Health, Board of Psychology** announces a meeting of the board to which all persons are invited.

DATES AND TIMES: October 6, 2005, 3:00 p.m. or soon thereafter; October 7-8, 2005, 9:00 a.m. or soon thereafter

PLACE: Jacksonville Omni Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting and General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Council of Licensed Midwifery** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, October 7, 2005, 8:30 a.m. or soon thereafter

PLACE: Contact: Council of Licensed Midwifery, (850)245-4161, for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Council of Licensed Midwifery, (850)245-4161, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this 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 to be based.

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The **Department of Health, Board of Respiratory Care** announces a meeting of the board.

Probable Cause Panel Meeting

DATE AND TIME: October 13, 2005, 3:00 p.m. or soon thereafter

General Business Meeting

DATE AND TIME: October 14, 2005, 8:30 a.m. or soon thereafter

PLACE: Tampa Renaissance Hotel, 4200 Jim Walter Blvd., Tampa, FL 33607, (813)877-9200

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 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 **Florida Leadership Council for Tobacco Control** will hold a bi-annual meeting to which all interested persons are invited to participate.

DATE AND TIME: September 16, 2005, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Department of Health, Room 340, Building 4025, Tallahassee, FL

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Florida **Department of Children and Family Services** announces a meeting to which all persons are invited.

DATE AND TIME: September 26, 2005, 8:30 a.m.

PLACE: Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be for the purpose of interviewing candidates for the Substance Abuse Director position.

In accordance with the Americans with Disabilities Act, persons needing an accommodation to participate in this meeting should contact Florida Department of Children and Family Services three days prior to the meeting, (850)414-9063.

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The **Department of Children and Family Services**, Mental Health Program Office announces a public meeting to which all persons are invited.

DATE AND TIME: September 22, 2005, 4:00 p.m. – 6:00 p.m.

PLACE: Department of Children and Families Service Center, 2295 Victoria Avenue, Room #165, Fort Myers, Florida 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: The department is seeking public input and information regarding the designation of the adult crisis stabilization unit and the children's crisis stabilization unit of the Ruth Cooper Center as public Baker Act receiving facilities.

For further information contact: Mike Sedgwick, (239)338-1326.

Persons with disabilities requiring accommodations in order to participate in this event should also contact the person above by telephone or in writing by close of business (5:00 p.m.) no later than five working days prior to the meeting.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

The Florida **Fish and Wildlife Conservation Commission** announces a public hearing for Escribano Point Parcels of the Yellow River Wildlife Management Area Located in Santa Rosa County, Florida to which all interested persons are invited to participate.

DATE AND TIME: Thursday, September 29, 2005, 7:00 p.m.

PLACE: Santa Rosa County Commission Chambers, 6495 Caroline Street, Milton, Florida 32570

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding considerations for the FWC's ten-year Conceptual Management Plan for the Escribano Point Parcels of the Yellow River Wildlife Management Area (WMA).

This hearing is designed exclusively for discussion of the draft Conceptual Management Plan. Participants should understand that the purpose for this hearing does not include the opportunity to discuss public use and/or hunting regulations for the Yellow River WMA. There is a separate public process for this purpose.

A Management Prospectus for the Escribano Point Parcels of the Yellow River WMA is available upon request from: Florida Fish and Wildlife Conservation Commission, Conservation Planning Group, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)410-0656, Ext. 17334.

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**DEPARTMENT OF FINANCIAL SERVICES**

The **Department of Financial Services** announces public meetings of the Florida Board of Funeral, Cemetery, and Consumer Services, to which all persons are invited.

DATES AND TIME: October 7, 10 and 24, 2005, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Financial Services, Larson Building, Room 116, 200 E. Gaines Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Training/ Regular Board Business.

The above dates relate to the initial meeting(s) of the new Board of Funeral, Cemetery, and Consumer Services. The public is advised that it is likely that all but one or two of the above scheduled meeting dates will be cancelled, once the Board is formed and the initial meeting date(s) are finally determined. The public is advised to check with Dept of Financial Services staff (Ms. LaTonya Bryant, (850)413-3039), before traveling to a scheduled meeting on any of the dates above, to ascertain whether the meeting has been cancelled. Notice of such cancellations will be posted on the home page of the Division of Funeral, Cemetery and Consumer Services, which is on the website of the Dept of Financial Services, [www.fldfs.com](http://www.fldfs.com), as soon as known.

At least 7 days before each meeting, a copy of the agenda of the meetings will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services, on the website of the Dept of Financial Services, [www.fldfs.com](http://www.fldfs.com).

A copy of the agenda may also be obtained by writing: Dept of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-3039.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

PLEASE NOTE THAT THE MEETING OF THE BOARD OF FUNERAL, CEMETERY AND CONSUMER SERVICES ORIGINALLY SCHEDULED FOR OCTOBER 4TH HAS BEEN CANCELLED.

The **Department of Financial Services** announces public meetings of the Florida Board of Funeral, Cemetery and Consumer Services, to which all persons are invited.

DATE AND TIME: October 24, 2005, 9:00 a.m. – 5:00 p.m.

PLACE: Knott Bldg, Room 117, 111 W. St. Augustine Street, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Training of New Board and Regular Board Business.

The above date relates to the initial meeting(s) of the new Board of Funeral, Cemetery, and Consumer Services. The public is advised that it is likely that the above scheduled meeting date may be cancelled, once the Board is formed and the initial meeting date(s) are finally determined. The public is advised to check with Dept of Financial Services staff (Ms. LaTonya Bryant, (850)413-3039), before traveling to a scheduled meeting on the date above, to ascertain whether the meeting has been cancelled. Notice of such cancellations will be posted on the home page of the Division of Funeral, Cemetery and Consumer Services, which is on the website of the Dept of Financial Services, [www.fldfs.com](http://www.fldfs.com), as soon as known.

At least 7 days before each meeting, a copy of the agenda of the meetings will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services, on the website of the Dept of Financial Services, [www.fldfs.com](http://www.fldfs.com).

A copy of the agenda may also be obtained by writing: Dept of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-3039.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such

purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

PLEASE NOTE THAT THE MEETING OF THE BOARD OF FUNERAL AND CEMETERY SERVICES, ORIGINALLY SCHEDULED FOR OCTOBER 4TH HAS BEEN CANCELLED.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIMES: September 28, 2005, 12:00 Noon – first hearing session; 6:00 p.m. – second hearing session

PLACE: The Signature Grand, 6900 State Road 84, Davie, Florida 33317

CONTACT NAME AND NUMBER: Kristopher Duer, Esquire, (850)413-4276 or Cheryl Jones, (850)413-5272.

GENERAL SUBJECT MATTER TO BE CONSIDERED: New Hampshire Insurance Company has requested a 22% average statewide rate increase for homeowners insurance. The requested rate increase was not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to Kristopher Duer at [kristopher.duer@fldfs.com](mailto:kristopher.duer@fldfs.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone the Signature Grand, at least 48 hours before the hearing, (954)424-4000.

#### **PRIDE ENTERPRISES**

**PRIDE Enterprises**, BOD, Governance Committee announces a conference call to which all interested persons are invited to participate.

DATE AND TIME: September 19, 2005, 9:00 a.m. – 10:00 a.m.

PLACE: Call toll free 1(800)371-8200, code #54954  
[www.pride-enterprises.org](http://www.pride-enterprises.org)

**PRIDE Enterprises**, BOD announces a meeting to which all interested persons are invited to participate.  
 DATE AND TIME: September 23, 2005, 10:00 a.m. – 2:00 p.m.  
 PLACE: Tampa Airport Marriott, Tampa, FL  
 For more information: [www.pride-enterprises.org](http://www.pride-enterprises.org).

**HARDEE COUNTY ECONOMIC DEVELOPMENT AUTHORITY**

The **Hardee County Economic Development Authority** (Independent Board) announces a meeting to which all interested persons are invited to participate.  
 DATE AND TIME: Tuesday, September 20, 2005, 8:30 a.m.  
 PLACE: County Commission Chambers, 412 West Orange Street, Room 102, Wauchula, Florida  
 For more information call: County Manager’s Office, (863)773-9430.  
 This is a Disabled-Accessible facility. Any disabled person needing to make special arrangements should contact the County Commissioner’s office at least forty-eight (48) hours prior to the public meeting.  
 This notice is published in compliance with Section 286.0105, F.S.

Interested parties may appear at the public meeting and be heard. If a person decides to appeal any decision made by the members, with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

**TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY**

The **Technological Research and Development Authority** (TRDA) announces a general meeting of its Board of Directors and Strategic Planning Retreat to which all persons are invited to participate.  
 DATE AND TIME: September 21, 2005, 1:00 p.m.  
 PLACE: TRDA – Conference Room, 5195 South Washington Avenue, Titusville, FL 32780  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.  
 A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330, Ext. 243, e-mail: [dkershaw@trda.org](mailto:dkershaw@trda.org).

**FLORIDA LEAGUE OF CITIES**

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Sections 768.28 and 163.01, F.S., announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 23, 2005, 9:00 a.m.  
 PLACE: Key West Hilton, 245 Front Street, Key West, Florida, (305)294-4000  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.  
 A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.  
 If any person desires 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 based

**DUVAL COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Duval County Research and Development Authority** announces a business meeting to be followed by a shade meeting.  
 DATE AND TIME: September 27, 2005, 10:00 a.m.  
 PLACE: University of North Florida, University Center, 12000 Alumni Drive, Jacksonville, Florida 32224  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting followed by a shade meeting to discuss litigation settlement negotiations or strategy as described below:  
 In accordance with Section 286.011(8), Florida Statutes, the Duval County Research and Development Authority (the “Authority”) will hold a shade meeting on the above date and at the above time and location, to consider settlement negotiations or strategy related to the following matter: Duval County Research and Development Authority vs. Phillip B. Phillips, Jr. and Phillips American Finance Corp., D/B/A Phillips & Company. Following the commencement of the meeting, the governing body will move into a closed attorney-client session pursuant to Section 286.011(8), Florida Statutes, and only the following listed persons will be entitled to attend this session: Member and Chair James Cobb; Member and Vice Chair Marcia Parker Tjoflat; Member Henry Luke; Member James Citrano; Member Don Lester; Ex-Officio Member John Delaney; Executive Director Earle Traynham; Richard Mullaney, General Counsel; Cindy Laquidara, Chief Deputy General Counsel; John Germany, Jr., Assistant General Counsel; Tim Dunham, Assistant General Counsel; Alan S. Wachs, Counsel; Karen Stone, Counsel; Chris Wrenn, Counsel; Court Reporter.  
 A copy of the business meeting agenda may be obtained by contacting: Earle C. Traynham, Executive Director, Duval County Research and Development Authority, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224-2645

**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: September 27, 2005, 11:00 a.m. – 1:00 p.m.

PLACE: Office of Florida Department of Transportation, Executive Conference Room, 605 Suwannee Street, Tallahassee, FL 32399, To attend via telephone, call 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 Commercial Space Financing 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, which record includes the testimony and evidence upon which the appeal is to be based.

**H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE**

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 27, 2005, 1:30 p.m.

PLACE: Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.

A copy of the agenda may be obtained by writing: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-COO, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Payne by September 23, 2005.

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 28, 2005, 1:30 p.m.

PLACE: SRB Trustee Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612.

Persons requiring special accommodations due to disability or physical impairment should contact Ms. Barbara Sawyer by Friday, September 23, 2005.

**COMMISSION ON MARRIAGE AND FAMILY SUPPORT INITIATIVES**

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Program Committee

DATE AND TIME: Wednesday, September 28, 2005, 9:00 a.m. – 11:00 a.m.

PLACE: Via conference call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Public Awareness Committee

DATE AND TIME: Thursday, October 6, 2005, 10:00 a.m. – 12:00 Noon

PLACE: Wyndham Orlando Resort, 8001 International Drive, Orlando FL 32819

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

The **Commission on Marriage and Family Support Initiatives** announces the following meeting of the commission to which all persons are invited to attend.

MEETING TYPE: Policy Committee

DATE AND TIME: Thursday, October 6 2005, 10:00 a.m. – 12:00 Noon

PLACE: Wyndham Orlando Resort, 8001 International Drive, Orlando, FL 32819

For a copy of the agenda and more information about how to attend the meeting contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

**FLORIDA TELECOMMUNICATIONS RELAY**

The **Florida Telecommunications Relay**, Inc. announces the annual membership meeting to be followed by a regular meeting of the Board of Directors.

DATE AND TIME: Monday, October 3, 2005, 1:00 p.m.

PLACE: 1820 E. Park Avenue, Suite 101, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Annual membership meeting followed by a regular meeting of the Board of Directors. Note that the Board of Directors meeting will convene immediately after conclusion of the membership meeting.

A copy of the agenda may be obtained by writing: Mr. James Forstall, Executive Director, 1820 E. Park Avenue, Suite 101, Tallahassee, Florida 32301.

The meeting is subject to cancellation for lack of a quorum or unavailability of an interpreter.

**FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council** announces the following meetings to which all interested persons are invited to participate.

MEETING: Personnel Taskforce Meeting

DATE AND TIME: Tuesday, October 4, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, October 5, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Evaluation Committee Meeting

DATE AND TIME: Wednesday, October 5, 2005, 3:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Executive Committee Meeting

DATE AND TIME: Friday, October 7, 2005, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Finance/Development Committee Meeting

DATE AND TIME: Wednesday, October 12, 2005, 10:30 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Points Committee Meeting

DATE AND TIME: Wednesday, October 19, 2005, 10:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy/Outreach Committee Meeting

DATE AND TIME: Thursday, October 20, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Consumer Survey Taskforce

DATE AND TIME: Friday, October 21, 2005, 9:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Standards Taskforce

DATE AND TIME: Friday, October 21, 2005, 10:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Nominating Committee Meeting

DATE AND TIME: Tuesday, October 25, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Full Council Meeting

DATES AND TIME: Wednesday-Friday, November 16-18, 2005, 9:00 a.m.

PLACE: Raddison Resort Parkway, 2900 Parkway Boulevard, Kissimmee, FL 34747

MEETING: Executive Committee Meeting

DATE AND TIME: Friday, December 2, 2005, 1:30 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Personnel Taskforce Meeting

DATE AND TIME: Tuesday, December 6, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Planning Committee Meeting

DATE AND TIME: Wednesday, December 7, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Evaluation Committee Meeting

DATE AND TIME: Wednesday, December 7, 2005, 3:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Finance/Development Committee Meeting

DATE AND TIME: Wednesday, December 14, 2005, 10:30 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Advocacy/Outreach Committee Meeting

DATE AND TIME: Thursday, December 15, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Consumer Survey Taskforce

DATE AND TIME: Friday, December 16, 2005, 9:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Standards Taskforce

DATE AND TIME: Friday, December 16, 2005, 10:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Points Committee Meeting

DATE AND TIME: Wednesday, December 21, 2005, 10:00 a.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: Nominating Committee Meeting

DATE AND TIME: Tuesday, December 27, 2005, 2:00 p.m. (EST)

PLACE: FILC, Inc., Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A Tallahassee, Florida 32303-6271, (850)488-5624 or toll free 1(877)822-1993.

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, F.S.)

**FLORIDA PATIENT SAFETY CORPORATION**

The **Florida Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 6, 2005, 9:30 a.m. – 3:00 p.m.

PLACE: Florida Hospital Association, Regional Office – Orlando, 307 Park Lake Circle, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation; Board of Directors Meeting.

A copy of the agenda may be obtained by writing: Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312. Agendas can also be requested via e-mail: susan.a.moore@comcast.net. To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail your address to the address above or fax your e-mail address to (850)893-4259.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)893-8936.

**FLORIDA INSURANCE GUARANTY ASSOCIATION**

The **Florida Insurance Guaranty Association** announces an Investment Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: October 6, 2005, 3:00 p.m. – 4:30 p.m. (EST) or as soon as business has been concluded

PLACE: J. W. Marriott, Orlando, Florida 32837

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Investment Committee of the Florida Insurance Guaranty Association will meet to discuss general investment issues of the committee and a Finance Committee proposal.

A copy of the agenda 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 Mr. Anthony Grippa, (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, 1(800)955-1339.

The **Florida Insurance Guaranty Association** announces an Audit Committee meeting to which all interested parties are invited to attend.

DATE AND TIME: October 6, 2005, 3:00 p.m. – 4:30 p.m. (EST) or as soon as business has been concluded

PLACE: J. W. Marriott, Orlando, Florida 32837

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Audit Committee of the Florida Insurance Guaranty Association will meet to discuss the general audit issues of the committee and a Finance Committee proposal.

A copy of the agenda 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, (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, 1(800)955-1339.

The **Florida Insurance Guaranty Association** announces a Board meeting to which all interested parties are invited to attend.

DATE AND TIME: October 7, 2005, 9:00 a.m. – 12:00 Noon (EST) or as soon as business has been concluded

PLACE: J. W. Marriott Hotel, 4040 Central Florida Parkway, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Insurance Guaranty Association will meet regarding the regular business of the Association.

A copy of the agenda 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, (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, 1(800)955-1339.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2005, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

**FLORIDA HEALTHY KIDS CORPORATION**

The **Florida Healthy Kids Corporation** announces a Board of Directors Meeting to which all persons are invited to attend.

DATE AND TIME: October 13, 2005, 10:00 a.m.

PLACE: Raymond Sittig Hall, 301 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Board of Directors.

Please contact Amber Floyd, (850)224-5437, e-mail: floyda@healthykids.org, to confirm your attendance and for additional meeting information.

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

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

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



**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Justo E. Gomez, Petitioner, Arlen Beach Condominium Association, Inc.; Docket No. 2005046436.

Whether Arlen Beach Condominium Association may require a two-thirds vote of the voting members present at a unit owner meeting to recall a director under Section 718.112(2)(j), F.S.

A copy of the Petition for Declaratory Statement, Docket Number 2005046436, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Mark Cross, Petitioner, Emerald Hill Owners Association, Inc.; Docket No. 2005045710.

Whether Emerald Hills Owners Association, Inc. may amend its documents to convert a commercial office unit to common elements by less than 100% vote of all owners under Section 718.110(4), F.S.?

A copy of the Petition for Declaratory Statement, Docket Number 2005045710, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Board of Funeral Directors and Embalmers hereby gives notice that it has declined to rule on the Petition for Declaratory Statement filed in Vol. 31, No. 21 of the May 27, 2005, Florida Administrative Weekly, on behalf of Gary Panoch Funeral Home and Cremations of Boca Raton. The petition sought clarification from the Board as to whether Petitioner would be violating Chapter 470, F.S., or any rule of Chapter 61G, F.A.C., if Petitioner transferred a telephone line and telephone number that had belonged to a direct disposer business that is closing the business. The Board considered the Petition at a duly noticed telephonic meeting held on June 22, 2005. The Board declined to issue an order or give an opinion as it did not have authority and the Petition was not in proper form as it did not state any rule or statute with specificity.

Copies of the petition may be obtained from: Juanita Chastain, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0754.

The Florida Real Estate Commission hereby gives notice that it has received a Petition for Declaratory Statement filed on August 26, 2005, by Susan A. Abramson, Esq., on behalf of Bidshares, Inc., Marci Metzger and Joseph Bernard. The petition seeks clarification from the Florida Real Estate Commission with regard to Section 475.01(1)(a), F.S., and how it relates to the activities of Petitioners, Bidshares Inc., Marci Metzger and Joseph Bernard. That statute defines the term "Broker" as "[b]roker means a person who, ... appraises, auctions, sells, exchanges, buys, rents, or offers, attempts or agrees to appraise, auction, or negotiate in the sale, exchange, purchase, or rental of business enterprises or business opportunities or any real property or any interest in or concerning the same, ...." Petitioners have been cited for unlicensed practice, and now seek a declaration from the Commission.

The Board will consider this petition at its meeting on September 20-21, 2005, in Orlando, Florida. Copies of the petition may be obtained from: Lori Crawford, Agency Clerk, The Florida Real Estate Commission, Division of Real Estate, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF FINANCIAL SERVICES**

The Department of Financial Services hereby gives notice that it has received a Petition for Declaratory Statement from Government Payment Services, Inc. The Petitioner seeks confirmation from the Department that the particular functions and activities of Government Payment Services, Inc. in providing certain services do not constitute the functions and activities of a bail bond agent and that no license is required under Chapter 648, F.S. GPS provides a credit card processing service for both governmental agencies and businesses, including processing requested credit card transactions from persons who wish to use their credit card accounts to pay a monetary bail in order to obtain their release from jail.

Copies of the petition may be obtained by contacting: R. Terry Butler, Assistant General Counsel, Department of Financial Services, Room 612, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0300, (850)413-4236.

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Rocky Sneed on March 7, 2005. The following is a summary of the agency's disposition of the petition:

- A. Question: Which code takes precedence, the Florida Building Code, Chapter 11-4.28, requiring 75 minimum candela fire alarm system strobe lights, or the Florida Fire Prevention Code which follows NFPA 72 requirements and allows multi-candela ratings?
- B. Response: Pursuant to Section 553.73, Florida Statutes, the State Fire Marshal has conferred with the Florida Building Commission and both agree that, in response to the question in Paragraph 5.A., the code that offers the greatest degree of lifesafety on this specific set of facts is the Florida Building Code, which requires higher candela ratings for fire alarm strobes. Additionally, Chapter 11 of the Florida Building Code is the Florida Accessibility Code for Building Construction which is established in the Florida Disabilities Act and may only be amended as provided in Part II, Chapter 553, Florida Statutes.

A copy of the declaratory statement may be obtained in any of the following ways: 1. Write to, call or send a fax to Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax (850)922-1235 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in the event any question arises), or 2. E-mail your request to [mazzeog@doi.state.fl.us](mailto:mazzeog@doi.state.fl.us) (please be sure to specify if you want an unofficial, unsigned but exact duplicate copy e-mailed back to you, or if you want a copy of the official, signed declaratory statement mailed or faxed to you), or 3. Obtain an unofficial, unsigned but exact duplicate copy by visiting the State Fire Marshal's website at <http://www.doi.state.fl.us/SFM/sfmdeclaratorystatement.htm>.

**Section VIII**  
**Notices of Petitions and Dispositions**  
**Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

Progressive American Insurance Company vs. Financial Services Commission, Office of Insurance Regulation; Case No.: 05-3137RU

Progressive Auto Pro Insurance Company vs. Financial Services Commission, Office of Insurance Regulation; Case No.: 05-3138RU

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

Act Corporation vs. Agency for Health Care Administration; Case No.: 05-2950RU; Voluntary Withdrawal

Pinellas County vs. Department of Environmental Protection and St. Johns River Water Management District; Case No.: 03-0878RP; Rule No.: 62-40; Voluntary Withdrawal

Dr. Paul Zimmerman, Dr. John W. Uribe, John Livoti, Jonathan D. Nitkin, Angela Daley, Helen Esterline and Edna Buchanan vs. Department of Financial Services, Office of Insurance Regulation; Case No.: 05-2091RU; Dismissed

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

## Section XI Notices Regarding Bids, Proposals and Purchasing

### DEPARTMENT OF EDUCATION

The University of Florida Board of Trustees, announces that Professional Services in the discipline of Architecture/Engineering will be required for the project listed below:

Project No.: UF-269, Project and Location: Biomedical Sciences Building, University of Florida. The project consists of site planning, programming, design and construction administration of a multi-disciplinary biomedical research facility for the Health Science Center colleges, Biomedical Engineering Department of the College of Engineering and Animal Care Services to be located at the University of Florida Health Science Center.

The proposed Biomedical Sciences facility is programmed to be approximately 200,000 gross square feet, providing approximately 126,000 net assigned square feet to house the research, and administrative operations of biomedical engineering, medical sciences and animal care services. The physical and cultural integration of the biosciences, medicine, and biomedical engineering with the BSB building will provide synergistic and collaborative environments that will establish UF as a leader in interdisciplinary biomedical science, engineering, technology, translational research and technology transfer. Close proximity of a state of the art animal care facility in the same building will add to the synergy and allow UF researchers housed in the BSB and across campus access to the finest biomedical research infrastructure in the world. Top tier research institutions all too often promise, but fail to deliver, interdisciplinary research and education. It is the intention for this project to create the physical, administrative and intellectual infrastructure to establish UF as one of the top ten research institutions in the country. The construction budget for this new facility is estimated to be \$65,000,000.00.

Total project budget for this program is \$89,400,000.00. The project delivery method desired for this project is Construction Management At Risk.

Blanket professional liability insurance will be required for this project in the amount of \$4,000,000.00, and will be provided as a part of Basic Services.

#### INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Professional Qualifications Supplement," the latest project specific version available from the website: [www.facilities.ufl.edu](http://www.facilities.ufl.edu). 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 eight (8) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for the University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, F.S. As required by Section 287.133, F.S., 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, project information, selection criteria, and instructions for registering as an applicant can be found on the Facilities Planning and Construction website.

Submittals must be received in the Facilities Planning & Construction office by 3:00 p.m. local time, on Thursday, October 20, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

Submittals must be sent to the attention of the University of Florida Project Manager:

Frank Javaheri, Project Manager  
Facilities Planning and Construction  
232 Stadium/P. O. Box 115050  
Gainesville, FL 32611-5050  
Telephone: (352)392-1256  
Fax: (352)392-6378  
Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

The District Board of Trustees of Santa Fe Community College announces that Professional Campus Facilities Master Planning services for Santa Fe Community College with campuses located in Alachua and Bradford Counties are required. Along with basic campus master planning experience, the College is interested in firms with experience in historical buildings, as well as teaching zoo programs. Firms desiring to provide these services shall submit a letter of interest that should have attached:

1. Previous Relevant Experience & References of Past Performance
2. Project Team Organization & Project Management Plan
3. Previous Experience with Sub-Consultants (if any)
4. Qualifications and Experience of Key Individuals

5. Project Understanding
6. Proof of professional liability insurance (minimum \$1,000,000.00)
7. Copy of applicable Florida professional registration, including all consultants

Submit six (6) copies of the above requested data bound in the order listed above. Representative samples of related work may be submitted at the firm's option. Applications that do not comply with the above instructions may be disqualified. Application information will not be returned. Applications must be received by 3:00 p.m. on November 1, 2005. Additional project information may be obtained by contacting, (Terry Flake, Planning Coordinator) of Facilities Services, Building U, Room 19, Santa Fe Community College, 3000 N. W. 83 Street, Gainesville, Florida 32606, (352)395-5521, e-mail: [terry.flake@sfcc.edu](mailto:terry.flake@sfcc.edu).

**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."

**EXECUTIVE OFFICE OF THE GOVERNOR**

The Governor's Commission on Volunteerism and Community Service, Volunteer Florida, is pleased to announce a Request for Concept Papers for 2006-2007 AmeriCorps programs. Eligibility, Concept paper guidance and application forms will be available at [www.volunteerflorida.org](http://www.volunteerflorida.org) beginning no later than September 16, 2005. Concept papers should be submitted by Monday, October 17, 2005.

**DEPARTMENT OF CORRECTIONS**

The Department of Corrections, Bureau of Procurement and Supply, requests qualifications from CONSTRUCTION MANAGEMENT firms to provide services for the construction of a new Secure Housing Unit at Santa Rosa CI – Annex, in Milton, Florida. The construction budget, including Pre-Construction services for the project, is estimated to be \$6,200,000. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Chapter 60D-5, F.A.C., and the Request for Qualification procedures and criteria which may be obtained from Julyn Hussey at the address and phone number below. Firms interested in being considered for this project are encouraged to attend an information meeting at the Department of Correction Central

Office, Conference Room B356, 2601 Blair Stone Road, Tallahassee, Florida on September 23, 2005, 2:00 p.m. Eastern Daylight Time.

To be considered, interested firms must submit an application in accordance with the Request for Qualifications by October 17, 2005, at 4:00 p.m. Eastern Daylight Time, faxed submissions are not acceptable. Submit copies of your Statement of Qualification to the Department of Corrections' Attn., Julyn Hussey, Bureau of Procurement and Supply, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)410-4049.

The State of Florida's performance and obligation to contract for these services are contingent upon annual appropriations by the Legislature.

**WATER MANAGEMENT DISTRICTS**

Request for Bids 04/05-059 LM  
Tree Planting Services

The Suwannee River Water Management District (District) is requesting bids for tree planting projects located on approximately 1,270 acres of land owned by the District. The purpose of these projects is to plant slash pine seedlings at a rate of 726/acre and long leaf pine seedlings at a rate of 871/acre on cutover pine plantation sites. The plantings will require v-blade planting equipment pulled by crawler tractors or conventional "woods planting" by wheel tractors. Although no areas have been identified for hand planting, there may be instances where small, isolated areas are too wet for mechanical planting; therefore, bidders should include a unit rate for hand planting.

District policies allow for this type of contract to be extended for two additional years without bidding if the work is satisfactory and funding is available. District staff anticipate tree planting on approximately 1,500 to 2,000 acres per year throughout the District over this three-year time frame.

- |                    |   |
|--------------------|---|
| September 8, 2005  | Release of Request for Bid.   |
| September 27, 2005 | Bids due prior to 10:00 a.m. at SRWMD headquarters in Live Oak. Opening of Bids at this time and date.* |
| September 30, 2005 | Final selection of contractor announced.*   |
| November 10, 2005  | Recommendation to SRWMD Governing Board*  |
| November 20, 2005  | Execution of contracts.   |

Request for bids packages and additional information are available at [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com).

If additional general information is needed, contact Randy Hall, Forester, 1(800)226-1066 (Florida Only) or (386)362-1001.

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT FOR  
MECHANICAL/ELECTRICAL/PLUMBING  
CONTRACTORS TO PROVIDE CONSTRUCTION  
MANAGEMENT AT RISK SERVICES REQUEST FOR  
QUALIFICATIONS (RFQ): CONSTRUCTION  
MANAGEMENT AT RISK SERVICES**

The Department of Management Services, Division of Facilities Management and Building Construction, request qualifications for licensed mechanical/electrical/plumbing contractors, to submit for Construction Management at Risk services on the following project: FDLE-25034000, Phase II Upgrades, Tampa Regional Operations Center Facility, Tampa, Florida. The construction budget is approximately \$1,500,000 with additional phases in future fiscal years (all contingent upon funding approval). The award will be made in accordance with Section 287.055, F.S., and the procedures and criteria of the Department of Management Services.

For details please visit the Department's website, [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu), and click on "search Advertisements – Division of Facilities Management and Building Construction."

**PUBLIC ANNOUNCEMENT FOR CONTINUING AREA  
CONTRACT FOR FLORIDA PERMITTED MERCURY  
RECLAMATION CONTRACTING SERVICES NORTH  
AND SOUTH FLORIDA REGIONS, COMBINED**

The State of Florida, Department of Management Services, Division of Facilities Management and Building Construction, requests qualifications from valid permit holders of mercury recovery facilities in the state of Florida under Chapter 62-737, F.A.C., to provide contracting services in the North and South Florida Regions combined.

For details please visit the Department's website, [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu), and click on "Search Advertisements – Division of Facilities Management and Building Construction."

**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."

**FLORIDA HOUSING FINANCE CORPORATION**

**Request for Proposals 2005-06**

**Affordable Housing Locator Subscription Services**

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide Affordable Housing Locator Subscription services to submit proposals for consideration. Written, sealed proposals shall be accepted until 2:00 p.m., Eastern Time, Friday, October 21, 2005, to the attention of Robin Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Robin Grantham, (850)488-4197, e-mail: [robin.grantham@floridahousing.org](mailto:robin.grantham@floridahousing.org).

To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin Grantham, or you can download the Request for Proposals from the Corporation website: <http://www.floridahousing.org/Home/BusinessLegal/CurrentSolicitations/RequestForProposals.htm>.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

**PUBLIC NOTICE**

The Division of Historical Resources announces that it is soliciting applications for State and Federal grant-in-aid assistance for historic preservation projects.

The deadline for filing applications is December 15, 2005 and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m. that day or clearly postmarked or show evidence of submission to an express mail service on or before that date.

Further information may be obtained from: Grants and Education Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333.

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA05-OR-167

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: CITY OF MARATHON LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
ORDINANCE NO. 2005-13

**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.

2. On July 1, 2005, the Department received for review City of Marathon Ordinance No. 2005-13 that was adopted by the City of Marathon Board of City Commissioners on June 28, 2005 ("Ord. 2005-13"). Ord. 2005-13 amends Section 9.5 of the Marathon City Code, revises the land development regulations to identify additional locations of public buildings and uses and community parks, and revises development standards applicable to public buildings and uses to provide for flexibility in application of land development regulations.

3. Ord. 2005-01 is consistent with the City's 2010 Comprehensive Plan.

**CONCLUSIONS OF LAW**

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004).

5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2004) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 2005-13 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA

1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2005-13 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

9. Ord. 2005-13 is not inconsistent with the remaining Principles. Ord. 2005-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2005-13 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

James L. Quinn  
State Planning Administrator  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**NOTICE OF ADMINISTRATIVE RIGHTS**

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A

WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 31st day of August, 2005.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:

Honorable John Bartus, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

Cindy Ecklund, City Clerk  
City of Marathon  
10045-55 Overseas Highway  
Marathon, Florida 33050

Mike Puto  
Acting City Manager  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John Herin, Esq.  
Stearns Weaver Miller Weissler  
Alhadeff & Sitterson, P.A.  
Suite 2200 Museum Tower  
150 West Flagler Street  
Miami, Florida 33130

DCA Order No. DCA05-OR-166

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY CITY OF LAYTON,  
ORDINANCE NO. 2005-06-02

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Layton is a local government within the Florida Keys Area.

2. On July 20, 2005, the Department received for review the City of Layton Ordinance No. 2005-06-02 which was adopted by the City of Layton City Council on July 1, 2005 ("Ord. 2005-06-02"). The purpose of Ord. 2005-06-02 is to allow the development of docks, an accessory use, on vacant lots prior to the development of the principal structure. The existing land development regulations prohibit the use of live-aboards for more than 24 hours on vacant lots in Layton.

3. Ord. 2005-06-02 is consistent with the City of Layton Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2004).

5. The City of Layton is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2004), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2004). The regulations adopted by Ord. 2005-06-02 are land development regulations.

7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2004). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 2005-06-02 is consistent with the following Principle:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

9. Ord. 2005-06-02 is not inconsistent with the remaining Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2005-06-02 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

James L. Quinn  
State Planning Administrator  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.



IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 1st day of September, 2005.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Kim Briggs, Mayor  
City of Layton  
Post Office Box 778  
Long Key, FL 33001

Jean Murphy, City Clerk  
City of Layton  
Post Office Box 778  
Long Key, FL 33001

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Health Care Administration has received an emergency service exemption application from Bay Medical Center, located at 615 N. Bonita Ave., Panama City, Florida 32401, pursuant to Section 395.1041(3), F.S., and Rule 59A-3.255, F.A.C. The emergency service for which the partial exemption is requested is: oral/maxillo-facial 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: Pat Underwood, Agency for Health Care Administration, Hospital and Outpatient Services Unit, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, (850)414-6937, e-mail: [underwop@ahca.myflorida.com](mailto:underwop@ahca.myflorida.com).

The Agency for Health Care Administration has received an emergency service exemption application from Bay Medical Center, located at 615 N. Bonita Ave., Panama City, Florida 32401, pursuant to Section 395.1041(3), F.S., and Rule 59A-3.255, F.A.C. The emergency service for which the partial exemption is requested is: otolaryngology. 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: Pat Underwood, Agency for Health Care Administration, Hospital and Outpatient Services Unit, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, (850)414-6937, e-mail: [underwop@ahca.myflorida.com](mailto:underwop@ahca.myflorida.com).

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**DEPARTMENT OF HEALTH**

On September 1, 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 Wade Smith, R.N., license number RN 2935522. 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), F.S. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, 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/cufm.asp>. 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., October 7, 2005):

Name and Address of Applicant: BrightStar Credit Union, 5901 Del Lago Circle, Sunrise, Florida 33313

Expansion Includes: Geographic area

Received: August 31, 2005

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN August 29, 2005  
 and September 2, 2005

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

5C-20.002	8/30/05	9/19/05	31/24	31/30
5C-20.004	8/30/05	9/19/05	31/24	31/30

**DEPARTMENT OF EDUCATION**

**State Board of Education**

6A-6.03315	8/31/05	9/20/05	31/28	
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**Florida State University**

6C2-2.024	9/1/05	9/21/05	Newspaper	
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**DEPARTMENT OF CORRECTIONS**

33-601.502	9/1/05	9/21/05	31/30	
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**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Office of Licensure and Certification**

59A-8.002	9/2/05	9/22/05	31/6	
59A-8.003	9/2/05	9/22/05	31/6	
59A-8.004	9/2/05	9/22/05	31/6	31/29
59A-8.008	9/2/05	9/22/05	31/6	
59A-8.0086	9/2/05	9/22/05	31/6	31/18
59A-8.0095	9/2/05	9/22/05	31/6	
59A-8.0185	9/2/05	9/22/05	31/6	31/14
59A-8.020	9/2/05	9/22/05	31/6	
59A-8.022	9/2/05	9/22/05	31/6	
59A-8.0245	9/2/05	9/22/05	31/6	31/24

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

61G3-21.009	8/31/05	9/20/05	31/24	31/31
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**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-9.007	8/29/05	9/18/05	31/30	
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**Board of Optometry**

64B13-6.001	8/31/05	9/20/05	31/24	31/31
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**Board of Speech-Language Pathology and Audiology**

64B20-6.002	9/1/05	9/21/05	31/26	
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**Board of Athletic Training**

64B33-3.001	8/30/05	9/19/05	31/22	
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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Manatees**

68C-22.005	8/31/05	9/20/05	31/2	31/29
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