

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Historical Resources

RULE TITLE: Prohibited Practices; Penalties
RULE NO.: 1A-31.013

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify the circumstances which the division may institute an administrative proceeding pursuant to Sections 267.13(2)(a)-(c), Florida Statutes, or when the division may apply to a court of competent jurisdiction for injunctive relief pursuant to Section 267.13(2)(d), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Division of Historical Resources proposes to develop the rule to impose enforcement power of penalties and seek injunctive relief relating to prohibited practices specified in Sections 267.13(2)(a) and (d), Florida Statutes.

SPECIFIC AUTHORITY: 20.10(3), 267.13(2)(e) FS.

LAW IMPLEMENTED: 267.13(2)(e) 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: 4:00 p.m., Tuesday, November 29, 2005
PLACE: Florida Heritage Hall, First Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ryan Wheeler, Chief, Bureau of Archaeological Research, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1A-31.013 Prohibited practices; Penalties.

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of Section 267.13(2)(a), F.S., the division may commence an administrative proceeding as specified in Sections 267.13(2)(a)-(c), F.S. If it is determined to be in the best interest of the State, the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice as provided in Section 267.13(2)(b), F.S. If the alleged violator timely requests a

hearing, the administrative proceeding may be arbitration, mediation, informal or formal hearing as the facts and law dictate.

(2) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of Section 267.13(2)(a), F.S., in a way that presents a real and present or future danger to any of the state properties specified in Section 267.13(2)(d), F.S., the division may apply to a court of competent jurisdiction for injunctive relief as specified in that paragraph.

Specific Authority 20.10(3), 267.13(2)(d) FS. Law Implemented 267.13(2)(d) FS. History--New

DEPARTMENT OF STATE

Division of Historical Resources

RULE TITLE: Prohibited Practices; Penalties
RULE NO.: 1A-32.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to specify the circumstances which the division may institute an administrative proceeding pursuant to Sections 267.13(2)(a)-(c), Florida Statutes, or when the division may apply to a court of competent jurisdiction for injunctive relief pursuant to Section 267.13(2)(d), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Division of Historical Resources proposes to develop the rule to impose enforcement power of penalties and seek injunctive relief relating to prohibited practices specified in Sections 267.13(2)(a) and (d), Florida Statutes.

SPECIFIC AUTHORITY: 20.10(3), 267.13(2)(e) F.S.

LAW IMPLEMENTED: 267.13(2)(e) F.S.

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: 4:00 p.m., Tuesday, November 29, 2005
PLACE: Florida Heritage Hall, First Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ryan Wheeler, Chief, Bureau of Archaeological Research, Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1A-32.006 Prohibited practices; Penalties.

(1) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of Section 267.13(2)(a), F.S., the division may commence an administrative proceeding as specified in Sections 267.13(2)(a)-(c), F.S. If it is determined to be in the

best interest of the State, the division will contact the alleged violator and direct that the offending activity cease immediately and/or direct that the property of the State be returned to the division. If the violation does not cease or is not cured within the time specified by the division, the division will send the alleged violator notice as provided in Section 267.13(2)(b), F.S. If the alleged violator timely requests a hearing, the administrative proceeding may be arbitration, mediation, informal or formal hearing as the facts and law dictate.

(2) When the division determines that a person or business organization is violating, or has violated, one or more of the provisions of Section 267.13(2)(a), F.S., in a way that presents a real and present or future danger to any of the state properties specified in Section 267.13(2)(d), F.S., the division may apply to a court of competent jurisdiction for injunctive relief as specified in that paragraph.

Specific Authority 20.10(3), 267.13(2)(d) FS. Law Implemented 267.13(2)(d) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF LEGAL AFFAIRS**

**Lemon Law Arbitration Program**

RULE TITLE: RV Mediation and Arbitration Program;  
 Qualification, Reporting, Disqualification,  
 Manufacturer Conduct

RULE NO.: Not Available

PURPOSE AND EFFECT: The purpose of the proposed rule is to set forth the requirements of the Department of Legal Affairs for the qualification of a manufacturer-sponsored mediation and arbitration program for recreation vehicles, delineate circumstances that may result in a program not being qualified or in the disqualification of a qualified program, and implement the reporting requirements set forth in the statute for the program.

SUBJECT AREA TO BE ADDRESSED: The Florida RV Mediation and Arbitration Program.

SPECIFIC AUTHORITY: 681.1096, 681.1097, 681.118 FS.

LAW IMPLEMENTED: 681.1096, 681.1097 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 p.m., December 14, 2005

PLACE: Office of the Attorney General, The Leroy Collins Building, Room 138, 107 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janet L. Smith, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, (850)414-3300, email: jan\_smith@oag.state.fl.us

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Office of Agricultural Water Policy**

RULE CHAPTER TITLE: Best Management Practices (BMPS)

RULE CHAPTER NO.: 5M-3

for Citrus, Cow/calf, Dairies and  
 Other Agriculture in the Lake  
 Okeechobee Priority Basins  
 (S-191, S-154, S65 D AND E)

5M-3

RULE TITLES: Purpose

RULE NOS.: 5M-3.001

Definitions 5M-3.002

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Notice of Intent to Implement 5M-3.004

Presumption of Compliance 5M-3.005

Land Application of Animal Wastes 5M-3.006

Record Keeping 5M-3.007

Land Use Changes 5M-3.008

Preservation of Authority 5M-3.009

PURPOSE AND EFFECT: The purpose of this rule amendment is to increase the geographic scope of the rule, and to incorporate changes to definitions and record keeping details. New and updated reference documents will be adopted by reference.

SUBJECT AREA TO BE ADDRESSED: The purpose of the proposed rule amendment is to expand the geographic area covered by the existing rule to cover the entire Lake Okeechobee Watershed. The January 2005 version of the Water Quality/Quantity BMPs for the Indian River Area Citrus Groves document and the Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (Edition 2005) document will be adopted by reference. Details concerning record keeping and timing of implementation of Best Management Practices will be modified.

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

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

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

TIME AND DATE: 6:00 – 8:00 p.m., December 7, 2005

PLACE: South Florida Water Management District Service Center Auditorium, 205 North Parrott Avenue, Suite 201, Okeechobee, Florida 34972

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Clegg Hooks, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301, Telephone (850)488-6249, Fax (850)921-2153

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**BEST MANAGEMENT PRACTICES (BMPS) FOR  
WATERSHED CITRUS, COW/CALF, DAIRIES AND  
OTHER AGRICULTURE IN THE LAKE OKEECHOBEE  
PRIORITY BASINS (S 191, S 154, S 65 D AND E)**

5M-3.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state. The rule defines the phosphorus management requirements of agricultural producers necessary to receive a presumption of compliance with state water quality standards, including those established by the Total Maximum Daily Load (TMDL) program, pursuant to Section 403.067, F.S., and the South Florida Water Management District's Works of the District Program contained in Chapter 40E-61, F.A.C. Implementation of this rule is part of a comprehensive program to achieve water quality standards. Reasonable assurance for achieving water quality standards is enhanced through verification monitoring at representative sites and subsequent identification of additional or modified control measures where needed. Where it is determined that additional control measures are necessary to achieve compliance with water quality standards, established phosphorus reduction targets or total maximum daily loads, the implementation of these measures will be achieved through a modification of this rule.

Specific Authority 373.4595(3)(7)(c)1., 403.067(7)(c)2.(4)+. FS. Law Implemented 373.4595(3)(7)(c)1., 403.067(7)(c)2.(4)+. FS. History—New 10-23-03, Repromulgated \_\_\_\_\_.

5M-3.002 Definitions.

(1) "Agricultural Nutrient Management ~~Assessment and~~ Plan" ("ANMAP") means a site-specific plan establishing the rate at which nutrients (manure, litter, waste bedding and process wastewater) can be land applied so as to meet crop nutrient needs while minimizing the amount of pollutant discharged to waters of the State. The ANMAP shall include site-specific Best Management Practices to address all relevant operation and maintenance activities. The ANMAP shall be consistent with the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) Field Office Technical Guide and the USDA's Comprehensive Nutrient Management Planning Technical Guidance (CNMP) located in Part 600.5 of the National Planning Procedures Handbook Amendment 4, which may be viewed or copied by going to <http://www.floridaagwaterpolicy.com>, <http://www.nrcs.usda.gov/programs/af/> or obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd Street, Gainesville, FL 32614-1510.

(2) "Agronomic Rates" means the application of nutrients to the soil that equals the rate of nutrient uptake, by existing or planned agriculture crop or pasture grass, required to produce an expected yield while minimizing adverse environmental effects.

(3) "Animal Wastes" means manure, used bedding, litter, feed, soil, urine, compost, and process wastewater from animal production areas.

(4) "Buy-out Dairy Property" means property on which a "dairy farm", as defined in subsection 5D-1.001(49), F.A.C., and a "high intensity use area", as defined by the Florida Department of Environmental Protection (FDEP) through Rule 62-670.200, F.A.C., dated December 26, 1996, have ceased operations.

(5) "~~Certified~~ Technical Service Provider" ("CTSP") means an individual, or an entity or public agency having an employee or employees who meet the minimum NRCS criteria for providing technical service for conservation planning or a specific conservation practice or system. The minimum criteria for providing technical service ~~is~~ are outlined in 7 CFR Part 652, subpart B, effective November 20, 2002. Individuals who meet the minimum NRCS criteria must be approved and certified by the USDA/NRCS State Conservationist and placed on the approved list to provide technical service to program participants or to the Department.

(6) "Conservation Plan" means;

(a) a record of the landowner's decisions and supporting information for treatment of a unit of land or water as a result of ~~a the~~ the planning process that is consistent with the approved by the Department, or that meets Field Office Technical Guide (FOTG) quality criteria for each natural resource (soil, water, air, plants, and animals) and takes into account economic and social considerations. The plan must be consistent developed in accordance with the United States Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) National Planning Procedures Handbook Amendment 4 ~~and approved by USDA/NRCS, and shall specify the schedule of operations and land activities needed to solve identified natural resource problems. The needs of the landowner, the resources, and federal, state and local requirements must be met.~~ The National Planning Procedures Handbook Amendment 4 may be viewed or copied by going to <http://www.floridaagwaterpolicy.com> ~~[http://policy.nrcs.usda.gov/scripts/lpsis.dll/H/H\\_180\\_600.htm](http://policy.nrcs.usda.gov/scripts/lpsis.dll/H/H_180_600.htm)~~, or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510; or

(b) for those landowners otherwise not eligible for USDA/NRCS cost-share programs, an alternative plan approved by the Department in consultation with the Florida Department of Environmental Protection, providing equivalent water resource protection to a USDA/NRCS conservation plan.

(7) “Field Office Technical Guide” (“FOTG” or “eFOTG”, the online electronic version) means the official NRCS series that includes volume I-V, in effect August 1, 2003, which set forth the guidelines, criteria, and standards for planning and applying conservation treatments, which may be viewed or copied by going to <http://www.floridaagwaterpolicy.com> ~~http://www.nrcs.usda.gov/technical/efotg/~~ or obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd St., Gainesville, FL 32614-1510.

(8) “Nutrient Management Plan” means a component of a site specific conservation plan that is designed and applied according to the USDA/NRCS conservation practice standard included in Section IV, Code 590 Nutrient Management, of the FOTG/~~eFOTG~~ ~~Efotg~~. Nutrient Management Plans specify the amount, placement, form, and timing of the application of nutrients including manure and animal by-products, and soil amendments. Nutrient Management Plans are applicable to all lands where plant nutrients and soil amendments are applied. The Nutrient Management section of the FOTG/~~eFOTG~~ ~~Efotg~~, Code 590, Conservation Practice Standard may be viewed or copied by going to <http://www.floridaagwaterpolicy.com> ~~ftp://ftp.ftw.nrcs.usda.gov/pub/nhnp/pdf/590.pdf~~.

(9) “Lake Okeechobee Watershed” means Lake Okeechobee and the area surrounding and tributary to Lake Okeechobee, composed of the surrounding hydrologic basins, as defined by the Lake Okeechobee Protection Plan dated January 1, 2004.

Specific Authority 373.4595(3)(c)1., 403.067(7)(c)2.(d)+. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)+. FS. History—New 10-23-03, Amended \_\_\_\_\_.

5M-3.003 Approved Best Management Practices.

The following best management practices (BMPs) are approved for the Lake Okeechobee ~~Watershed, priority basins, (S-191, S-154, S-65 D and E) as identified in Section 373.4595 (3)(b)1., F.S.~~

(1) The document titled *Water Quality/Quantity BMPs for the Indian River Area Citrus Groves; (January 2005 May 2000)* is hereby incorporated and adopted by reference in this rule. Copies of this document may be obtained from the University of Florida, Indian River Research and Education Center, 2199 South Rock Road, Ft. Pierce, FL 34945.

(2) The document titled *Water Quality BMPs for Cow/Calf Operations; (June 1999)* is hereby incorporated and adopted by reference in this rule. Copies of the document may be obtained from the Florida Cattlemen’s Association, P. O. Box 421929, Kissimmee, FL 34742-1929.

(3) The document titled *Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (Edition 2005)* is hereby incorporated and adopted by reference in this rule for participating vegetable and agronomic crop growers statewide. Copies of the document may be obtained from the local county University of Florida Cooperative Extension Service office or from the Florida

Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301.

~~(4)(3) Implementation of a site specific conservation plan, as defined in Rule 5M-3.002, F.A.C. developed in accordance with the USDA/NRCS National Planning Procedures Handbook Amendment 4 and approved by the USDA/NRCS. A copy of the National Planning Procedures Handbook Amendment 4 may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.~~

~~(5)(4) Implementation of a site specific Agricultural Nutrient Management Assessment and Plan (ANMAP), as defined in Rule 5M-3.002, F.A.C., developed for a dairy or cow/calf operation located on buy-out dairy property or other Concentrated Animal Feeding Operation.~~

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)+. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)+. FS. History—New 10-23-03, Amended \_\_\_\_\_.

5M-3.004 Notice of Intent to Implement.

A Notice of Intent to Implement any of the non-regulatory and incentive based programs set forth in Rule 5M-3.003, F.A.C., shall be submitted to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Boulevard, Suite 200, Tallahassee, FL 32301.

(1) Such notice shall identify those practices from the approved best management practices listed in Rule 5M-3.003, F.A.C., the applicant intends to implement. The notice shall also include the name of the property owner; the location of the property(ies); the property tax ID number(s); a timeline for implementation, the gross acreage on which each practice will be implemented; the name and contact information for an authorized representative; and the signature of the owner, leaseholder, or authorized agent.

(2) Once filed with the Florida Department of Agriculture and Consumer Services, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 373.4595(3)(c)1.b., F.S. All landowners who receive assistance with implementation shall complete implementation of applicable Best Management Practices within twenty-four (24) months.

(3) All landowners who submit a Notice of Intent must implement the nutrient management component of the applicable Best Management Practices upon notice submittal.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)+. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)+. FS. History—New 10-23-03, Amended \_\_\_\_\_.

5M-3.005 Presumption of Compliance.

(1) Flatwoods, or non “ridge” Citrus. 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 implemented practices, the applicant must:

(a) Conduct an assessment of the subject properties, with the assistance of FDACS personnel, using the Citrus Grower Best Management Practices Checklist incorporated in the document titled *Water Quality/Quantity BMPs for Indian River Area Citrus Groves* (~~May 2000~~ January 2005);

(b) Submit the Notice of Intent to Implement outlined in Rule 5M-3.004, F.A.C.;

(c) 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;

(d) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs. Such records regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices;

(e) Allow ~~FDACS~~ access to the property(ies) for verification of implementation, operation, and maintenance of BMPs;

(f) Within 60 days of submission of the Notice of Intent, sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 North, Okeechobee, FL 34972-4168 for development of a Conservation Plan, or with the FDACS Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972, as applicable;

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C.; and

(h) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972.

(2) Cow/Calf. 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 implemented practices, the applicant must:

(a) Conduct an assessment of the subject properties, with the assistance of FDACS personnel, using the Water Quality Risk Assessment section of the document titled *Water Quality BMPs for Cow/Calf Operations* (June 1999);

(b) Submit the Notice of Intent to Implement outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties;

(d) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs. Such records regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices;

(e) Allow ~~FDACS~~ access to the property(ies) for verification of implementation, operation and maintenance of BMPs;

(f) Within 60 days of submission of the Notice of Intent, sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 N., Okeechobee, FL 34972-4168 for development of a Conservation Plan, or with the FDACS Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972, as applicable;

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C.; and

(h) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park St., Suite C, Okeechobee, FL 34972.

(3) Vegetable/Agronomic Crops. In order to obtain the presumption of compliance with applicable 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:

(a) Conduct a comprehensive assessment of the subject properties using the Decision Tree Flowchart and associated appendices incorporated in the document titled *Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops* (Edition 2005);

(b) Submit a Notice of Intent to Implement as outlined in Rule 5M-8.004, F.A.C.;

(c) Implement all applicable BMPs in accordance with the timeline identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement;

(d) Maintain documentation to verify the implementation and maintenance of the identified BMPs. Such records regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices;

(e) Allow access to the property(ies) for verification of implementation, operation and maintenance of BMPs;

(f) Within 60 days of submission of the Notice of Intent, sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 N., Okeechobee, FL 34972-4168 for development of a Conservation Plan, or with the FDACS Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972, as applicable;

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C.; and

(h) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park St., Suite C, Okeechobee, FL 34972.

(4) Ridge citrus. 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. the applicant must comply with the provisions of Rule 5E-1.023, F.A.C.

~~(5)(3)~~ Dairies/Buy-out Dairies. 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:

(a) Conduct an Agricultural Nutrient Management Assessment and Plan as defined in subsection 5M-3.002(1), F.A.C.

~~(b)(a)~~ Submit a Notice of Intent to Implement as outlined in Rule 5M-3.004, F.A.C.;

~~(c)(b)~~ Implement non-regulatory and incentive-based programs identified in the Agricultural Nutrient Management Assessment and Plan for the subject properties and listed in the Notice of Intent to Implement;

~~(d)(e)~~ Maintain documentation to verify the implementation and maintenance of non-regulatory and incentive-based programs. Such records regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices; and

~~(e)(d)~~ Allow ~~FDACS~~ access to the property(ies) for verification and implementation, operation and maintenance of BMPs.

~~(6)(4)~~ Other Agriculture. In order to receive 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:

(a) Sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 North, Okeechobee, FL 34972-4168 for development of a Conservation Plan or with the FDACS Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972, as applicable;

(b) Submit a Notice of Intent to Implement as outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified in the site-specific Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C., for the subject properties;

(d) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, FL 34972;

(e) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs. Such records regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices; and

(f) Allow ~~FDACS~~ access to the property(ies) for verification of implementation, operation, and maintenance of the BMPs.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)+. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)+. FS. History–New 10-23-03, Amended.

5M-3.006 Land Application of Animal Wastes.

Animal wastes shall be applied at a phosphorous-based agronomic rate. The landowner or leaseholder must have a current (5 year old or less) nutrient management plan, prepared by a Certified Technical Service Provider, or the USDA/NRCS consistent with the USDA, NRCS, Field Office Technical Guide, Conservation Practice Standards-Code 590 “Nutrient Management” and Code 633 “Waste Utilization.” The landowner or leaseholder must maintain adequate records demonstrating adherence to the Nutrient Management Plan. The Nutrient Management Plan, and associated records, shall be made available to the Department or its representative; upon request. FOTG Code 590 “Nutrient Management” may be viewed or copied by going to <http://www.floridaagwaterpolicy.com>, ~~ftp://ftp.ftw.nrcs.usda.gov/pub/nhep/pdf/590.pdf~~ FOTG Code 633 “Waste Utilization” may be viewed or copied by going to <http://www.floridaagwaterpolicy.com> ~~ftp://ftp.ftw.nrcs.usda.gov/pub/nhep/pdf/633.pdf~~.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)+. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)+. FS. History–New 10-23-03, Amended.

5M-3.007 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive-based programs identified in the Notice of Intent to Implement. All documentation is subject to ~~FDACS~~ inspection.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)+. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)+. FS. History–New 10-23-03, Amended.

5M-3.008 Land Use Changes.

Any change in the land use shall require the landowner to demonstrate to the South Florida Water Management District that the proposed changes in land use will not result in increased phosphorus loading over that of the existing land uses. Affected landowners should contact the Florida Department of Agriculture and Consumer Services Okeechobee Office, 305 East North Park Street, Suite C, Okeechobee, FL 34972 for assistance in the event of land use changes.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)+. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)+. FS. History–New 10-23-03, Repromulgated.

5M-3.009 Preservation of Authority.

Nothing in this rule shall be construed as modifying or limiting the existing authority of the Department of Environmental Protection or the South Florida Water Management District’s existing authority under Chapters 373 and 403, F.S., or the existing requirements of any permits, consent decree or rule.

Specific Authority 373.4594(3)(c)1., 403.067(7)(c)2.(d)+. FS. Law Implemented 373.4595(3)(c)1., 403.067(7)(c)2.(d)+. FS. History–New 10-23-03, Repromulgated.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Florida Small Cities Community                      9B-43  
     Development Block Grant Program

RULE TITLES:                                      RULE NOS.:

Definitions                                      9B-43.003

Eligible Applicants                              9B-43.004

Application Criteria                              9B-43.005

Application Procedures for All Categories      9B-43.006

Scoring System                                      9B-43.007

Program Requirements for Housing              9B-43.009

Program Requirements for Neighborhood  
     Revitalization                                      9B-43.010

Program Requirements for Economic  
     Development                                      9B-43.012

Program Requirements for Commercial  
     Revitalization                                      9B-43.013

General Grant Administration of All Categories    9B-43.014

PURPOSE AND EFFECT: To incorporate the 2005 legislative changes, reorganize the rules and provide clarification of the rule chapter.

SUBJECT AREA TO BE ADDRESSED: The Community Development Block Grant Program rule.

SPECIFIC AUTHORITY: 120.53, 290.048 FS.

LAW IMPLEMENTED: 290.04, 290.042, 290.043, 290.044, 290.046, 290.047, 290.0475 FS.

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

TIME AND DATE: 9:00 a.m. – 3:00 p.m., December 1, 2005

PLACE: City Commission Chambers, 205 North Marion Avenue, Lake City, Florida 32055

TIME AND DATE: 9:00 a.m. – 3:00 p.m., December 2, 2005

PLACE: Lake Placid Town Hall, 311 West Interlake Boulevard, Lake Placid, Florida 33852

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Judy Peacock, Planning Manager, CDBG Program, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-3644 (SUNCOM 278-3644) at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Monya Newmyer, Community Program Manager, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Community Planning**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

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

RULE TITLES:                                      RULE NOS.:

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

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

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

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

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

Compliance Review and Notice of Intent      9J-11.012

Local Government Adoption of Comprehensive  
     Plan Compliance Agreement(s) and  
     Transmittal to the Department                      9J-11.0131

Submittal Requirements for Adopted  
     Amendments That are Exempt from  
     State and Regional Review                      9J-11.015

Evaluation and Appraisal Reports and  
     Evaluation and Appraisal Report-Based  
     Amendments                                      9J-11.018

Submittal Requirements for Public Schools  
     Interlocal Agreement and Amended  
     Agreements                                      9J-11.022

PURPOSE AND EFFECT: The purpose and effect is to revise the rule to conform to current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: The revisions of Chapter 9J-11, F.A.C., pertaining to local government comprehensive plans, including submittal requirements, action upon receipt, review requirements and notices of intent. The revisions of Chapter 9J-11, F.A.C., pertaining to comprehensive plan amendments exempt from the twice per calendar year limitation on the adoption of comprehensive plan amendments. The revision of Chapter 9J-11, F.A.C., pertaining to the submittal requirements for amendments that are exempt from State and regional review. The revision of Chapter 9J-11, F.A.C., pertaining to the submittal requirements for evaluation and appraisal reports and appraisal report-based amendments.

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

LAW IMPLEMENTED: 163.3167(2), (3), 163.3175(2), (3), (4), 163.3177(1), (3), (4), (6), (7), (9), (10), (12), (13), (14), 163.3184(1), (2), (3), (4), (5), (6), (7), (14), (15), (16), (17), (18), 163.3187(1), (2), (5), (6), 163.3189, 163.3191, 163.3202, 369.321(5), 163.3146(9), 380.06(6) FS.

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

TIME AND DATE: 9:00 a.m., November 28, 2005

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

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ray Eubanks, Plan Review Administrator, Division of Community Planning, Plan Review and Processing Unit, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or (850)922-1767, SUNCOM 292-1967 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) or (800)955-9771 (TDD).

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) No change.

(2) The local government shall submit three copies of all comprehensive plan materials, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), F.A.C. Each proposed comprehensive plan shall be accompanied by the following documents:

(a) through (d) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), 163.3177(1), (4)(b), (7), (9), 163.3184(2), (3), (14), (15), 163.3191 FS. History—New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 11-24-02, 6-30-05,\_\_\_\_\_.

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

(1) The local government shall submit three copies of each proposed amendment, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), including applicable supporting documents which include data and analyses directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, and one copy directly to the appropriate agencies list in subsection 9J-11.009(6), F.A.C. Proposed plan amendments, except those discussed under the exemption provisions of subparagraph 9J-11.006(1)(a)7., F.A.C., below, shall be consolidated into a single submission for each of the two plan amendment adoption times during the calendar year. The comprehensive plan submitted pursuant to Section 163.3167, F.S., shall be counted as one of the two plan amendment adoption times during the calendar year; however, only the submittal requirements of Rule 9J-11.004, F.A.C., must be followed. For each proposed plan amendment submittal package, the local governing body shall submit:

(a) through 7.d. No change.

~~e.~~ Whether the amendment updates the is directly related to an intergovernmental coordination element to comply with ~~pursuant to~~ Sections 163.3177(6)(h)5, ~~1.a., b., and c.~~, F.S.;

f. through i. No change.

~~j.~~ ~~An amendment changing school concurrency service area boundary pursuant to Sections 163.3180(13)(e)2., F.S.;~~

~~k.~~ An amendment directly related to proposed redevelopment of brownfield areas designated under Section 376.80, F.S.;

~~l.~~ An amendment for port transportation facilities and projects that are eligible for funding by the Florida Transportation and Economic Development Council pursuant to Section 311.07, F.S.;

~~m.~~ An amendment for the purpose of designating an urban infill and redevelopment area under Section 163.2517, F.S.

~~n.~~ Directly related to providing transportation improvements as provided for in Section 163.3187(1)(k), F.S.;

~~o.~~ An amendment adopting a public school ~~educational~~ facilities element pursuant to Sections 163.3177(12) ~~163.31776(5)~~ and 163.3187(1)(l)(4), F.S.;

~~p.~~ An amendment to the future land use map identifying school sites pursuant to Sections 163.3177(6)(a) and 163.3187(1)(l), F.S.;

~~q.~~ An amendment to the Intergovernmental Coordination Element pursuant to Section 163.3177(6)(h)4.b., F.S.;

~~r.~~ An amendment adopting a boating facility siting plan or policy pursuant to Section 380.06(24)(k)1., F.S.

~~s.~~ An amendment addressing criteria or compatibility of land uses adjacent to or in close proximity to military installations pursuant to Sections 163.3187(1)(m), F.S.;



~~s.~~ An amendment establishing or implementing a rural land stewardship area pursuant to Section 163.3177(11)(d), F.S.;

~~t.~~ An amendment incorporating the regional water supply work plan approved pursuant to Sections 373.0361 and 163.3177(6)(c), F.S.;

~~u.~~ An amendment implementing the Wekiva Study Area plan pursuant to Section 369.321, F.S.;

v. An amendment to the capital improvements element to update the schedule of capital improvements on an annual basis pursuant to Section 163.3177(3)(b)1., F.S.;

w. An amendment to the capital improvements element other than an update to the schedule of capital improvements pursuant to Section 163.3177(3)(b)2., F.S.;

x. An amendment that is intended to incorporate a community vision meeting the criteria of Section 163.3177(13), F.S., as a component to the comprehensive plan pursuant to Section 163.3177(13)(f), F.S.;

y. An amendment that is intended to designate an urban service boundary meeting the criteria of Section 163.3177(14), F.S., pursuant to Section 163.3177(14)(b), F.S.;

z. A map amendment consistent with Section 163.3184(17), F.S., within the urban service boundary for those local governments that have adopted a community vision and urban service boundary pursuant to Sections 163.3177(13) and (14), F.S.;

aa. A map amendment consistent with Section 163.3184(18), F.S., within the urban infill and redevelopment area for those local governments that have adopted an urban infill and redevelopment area pursuant to Section 163.2517, F.S.;

bb. An amendment submitted pursuant to Section 163.3187(1)(o), F.S., within an area designated by the Governor as a rural area of critical economic concern under Section 288.0656(7), F.S.; and

cc. An amendment necessary to carry out the approved recommendation of a special magistrate under Section 70.051, F.S.

8. through (b)3. No change.

4. A description of the availability of and the demand on the following public facilities: sanitary sewer, solid waste, drainage, potable water, traffic circulation, schools and recreation, as appropriate; and

5. through (3) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(3),(6), (9),(13), (14), 163.3184(1), (2), (3), (15), (17), (18), 163.3187(1), (2), (5), 163.3191, 369.321(5), 380.06(6) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05,\_\_\_\_\_.

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

(1) through (5) No change.

(6) The local government shall transmit three copies of plans, parts of plan, or plan amendments to the Department and one copy directly to the various agencies and governments, as appropriate, for their review and written response. These agencies and governments may include, but not be limited to, the following:

- (a) The appropriate regional planning council;
- (b) The appropriate county (municipal plans only);
- (c) The Department of Environmental Protection;
- (d) The Department of Transportation;
- (e) The appropriate water management district(s);
- (f) Florida Department of State;
- (g) Florida Fish and Wildlife Conservation Commission (county plans only);
- (h) The Department of Agriculture and Consumer Services (county plans only); and
- (i) Office of Educational Facilities of Commissioner of Education (if related to the public school educational facilities element pursuant to Section 163.3177(12)(~~6~~), F.S.).

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

(k) Office of Tourism, Trade, and Economic Development (if the amendment is related to an area of rural critical economic concern pursuant to Section 163.3187(1)(o), F.S.

(7) No change.

(8) Local governments are prohibited from adopting some amendments to their comprehensive plans for failure to comply with the following statutory requirements:

(a) Pursuant to Section 163.3177(3)(b)1., F.S., future land use map amendments may not be adopted if the local government has failed to adopt the annual capital improvements update by December 1 each year beginning 2007, except local government may adopt emergency amendments pursuant to Section 163.3187(1)(a), F.S.;

(b) Pursuant to Section 163.3177(6)(a), F.S., no amendment may be adopted if the local government has failed to comply with the school siting requirements, except amendments described in Section 163.3187(1)(b), F.S.;

(c) Pursuant to Section 163.3177(12)(j), F.S., amendments which increase residential density may not be adopted if the local government has failed to adopt the public school facility element and enter into an approved interlocal agreement by December 1, 2008;

(d) Pursuant to Section 163.3187(6)(a), F.S., no amendment may be adopted if the local government has failed to adopt its evaluation and appraisal report by the established adoption date, except for amendments described in Section

163.3187(1)(b) or (h), F.S., until such time as the local government submits an adopted evaluation and appraisal report to the Department;

(e) Pursuant to Section 163.3187(6)(c), F.S., no amendment may be adopted if the Department has determined that the adopted evaluation and appraisal report does not sufficiently address the requirements of Section 163.3191, F.S., and the one year period after the initial sufficiency determination has expired until such time as the local government adopts and submits an evaluation and appraisal report that the Department determines is sufficient, except for plan amendments that meet the requirements of Section 163.3187(1)(b), F.S.;

(f) Pursuant to Section 163.3191(10), F.S., no amendment may be adopted if the local government has failed to timely adopt and transmit the evaluation and appraisal report-based amendments after July 1, 2006; and

(g) If local governments are prohibited from amending the comprehensive plan pursuant to paragraphs 9J-11.009(8)(a) through (f), F.A.C., then during the time period of the prohibition, amendments will not be processed by the Department, and will be returned to the local government. In order to secure review thereafter, the local government may readopt and resubmit the amendments in accordance with the requirements of Sections 163.3184, 163.3187 and 163.3189, F.S.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(2), (3), 163.3175(2), 163.3177(3), (6), (9), (12) 163.3184(2), (3), (4), (5), (6), 163.3187(6), 163.3191 FS. History--New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05, \_\_\_\_\_.

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

(1) If the review is for a plan or if a decision has been made to review a plan amendment under Rule 9J-11.009, F.A.C., the Department shall review each comprehensive plan or amendment to determine whether it is consistent with the requirements of Sections 163.3177, ~~163.31776~~, 163.3178, 163.3180, 163.3184, 163.3187, 163.3189 and 163.3191, F.S., Chapter 9J-5, F.A.C., the State Comprehensive Plan and the appropriate strategic regional policy plan.

(2) through (7) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3175(3), 163.3177(9), (10), 163.3184(1)(b), (6)(a), (b), (c), 163.3189(2) FS. History--New 9-22-87, Amended 11-10-93, 11-6-96, 4-8-99, 11-24-02, 6-30-05, \_\_\_\_\_.

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

(1) No change.

(2) In the case of an adopted amendment that is exempt from State and Regional review, ~~a small scale development plan amendment~~ the local government may follow the procedures in Rule 9J-11.015, F.A.C.

(3) through (4) No change.

(5) The local government shall submit, within ten working days after adoption, three copies of all comprehensive plan and plan amendment materials, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and one copy directly to the appropriate agencies listed in subsection 9J-11.009(6), F.A.C., and local governments or any other interested parties that have filed a written request with the governing body for a copy of the plan or amendment. The local government must ensure that the review agencies' copy of the adopted plan remains complete by also transmitting copies of each subsequently adopted plan amendment and related documents to review agencies at the time of each adoption.

(a) through e. No change.

f. If package contains a future land use map amendment adopted after December 1, 2007, a statement indicating the date that the annual capital improvement element update has been adopted and submitted along with the summary of de minimis impact records.

6. through (7) No change.

(8) In the case where the local government amends the capital improvement element, the following information will be required:

(a) If the amendment adopts corrections, updates and modifications of the capital improvements element concerning costs, revenue sources, or acceptance of facilities pursuant to dedications that are consistent with the plan or facility construction dates pursuant to Section 163.3177(3)(b), F.S., a copy of the executed ordinance shall be submitted to the Department within ten working days after adoption. If a local government adopts corrections, updates, or modifications of current costs in other elements which were set out as part of the comprehensive plan, a copy of the executed ordinance shall be submitted to the Department within ten working days after adoption. Copies of the referenced executed ordinances in this section of Rule 9J-11.011, F.A.C., shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team and will not be subject to a compliance review.

(b) If the amendment is adopted to meet the annual update of the schedule or to eliminate, defer, or delay the construction for any facility listed in the 5-year schedule pursuant to Section 163.3177(3)(b), F.S., the local government must submit a copy of the executed ordinance, the amendment in strike thru and underline format, and a summary of the de minimis impact records pursuant to Section 163.3180(6), F.S.

(9) No change.

(10) Local governments with a plan in compliance are bound by the effective date provisions of Section 163.3189, F.S. They shall include the following language in the adoption ordinance for plan amendments other than adopted amendments that are exempt from State and Regional review small scale amendments:

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), F.S., whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

Specific Authority 163.3177(9) FS. Law Implemented 163.3167(3), 163.3175(4), 163.3177(3), (9), 163.3184(1)(b), (2), (6), (7), (15), (16), 163.3187(1), 163.3189, 163.3191, 380.06(6) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 4-8-99, 1-8-01, 11-24-02, 6-30-05,\_\_\_\_\_.

9J-11.012 Compliance Review and Notice of Intent.

(1) through (5) No change.

(6) If a Notice of Intent is issued to find the adopted plan or amendment not in compliance, the Department will forward a copy of the Notice of Intent to the Division of Administrative Hearings, Department of Management Services, requesting a hearing. During the review period provided in subsection 9J-11.012(1), F.A.C., the Department shall issue a written Statement of Intent describing how each portion of a comprehensive plan or plan amendment alleged to be not in compliance is not consistent with one or more provisions of Sections 163.3177, ~~F.S., 163.31776~~ when local government adopts an educational facilities element, Sections 163.3178, 163.3180, 163.3191, and 163.3245, F.S., the state comprehensive plan, the appropriate strategic regional policy plan, or Chapter 9J-5, F.A.C., and a statement of remedial actions that the local government may complete in order to bring the plan into compliance. A copy of the Statement of Intent shall be mailed to the local government and to persons who requested a copy of the Notice of Intent. The Department shall file a petition requesting an administrative hearing and relief with the Division of Administrative Hearings. The petition shall incorporate the issues contained in the Statement of Intent, and the Statement of Intent and the Notice of Intent

shall be filed with the petition. The administrative law judge shall submit the recommended order to the Administration Commission for final agency action.

(7) No change.

Specific Authority 163.3177(9) FS. Law Implemented 163.3177(9), 163.3184(8), (9), (10) FS. History--New 9-22-87, Amended 10-11-88, 11-10-93, 11-6-96, 7-21-97, 4-8-99, 1-8-01, 11-24-02,\_\_\_\_\_.

9J-11.0131 Local Government Adoption of Comprehensive Plan Compliance Agreement Amendment(s) and Transmittal to the Department.

(1) through (2) No change.

(3) Within ten working days after the local government has adopted the compliance agreement plan amendment(s), the local government shall submit to the Department a complete compliance agreement plan amendment(s) package consisting of: a transmittal cover letter signed by the chief elected official indicating compliance with paragraphs 9J-11.0131(2)(a), (b) and (c), F.A.C., the executed ordinance(s) adopting the compliance agreement plan amendment(s) and three copies of the compliance agreement plan amendment(s), of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF). This material shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. The local government shall also submit one copy of the adopted compliance agreement plan amendment(s) to the appropriate regional planning councils, local governments or government agency in the state that has filed a written request and intervenors as indicated in Section 163.3184(16)(d), F.S.

Specific Authority 163.3177(9) FS. Law Implemented 163.3184(16)(d) FS. History--New 11-10-93, Amended 11-6-96, 4-8-99, 11-24-02,\_\_\_\_\_.

9J-11.015 Submittal Requirements for Adopted Amendments That are Exempt from State and Regional Review Small Scale Development Amendments.

(1) The local government shall submit, within ten working days after adoption, one copy of all plan amendment materials, which may be on CD ROM in Portable Document Format (PDF), including graphic and textual materials and support documents directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team.

(a) The chief elected official or designee shall sign a letter transmitting the adopted small scale development(s) amendment to the Department. The transmittal letter shall specify the following: indicate that the local government submits this adopted small scale development amendment in accordance with Subsection 163.3187(1)(c)2., F.S.

1. Whether the adopted amendment is exempt from State and Regional Review, and the facts and circumstances that cause the amendment to be considered as one of the following:

a. A map amendment directly related to proposed small scale development activities that meet the criteria of Section 163.3187(1)(c), F.S.:

b. A map amendment solely to property within an urban service boundary which meets the criteria of Section 163.3184(17), F.S.:

c. A map amendment solely to property within a designated urban infill and redevelopment area pursuant to Section 163.3184(18), F.S.; and

d. A plan amendment within an area certified pursuant to Section 163.3246, F.S.

2. The date the adoption public hearing was held;

3. The name, title, address, telephone number, facsimile number, and e-mail address, if any, of the person for the local government who is familiar with the adopted amendment(s) and is responsible for ensuring that the materials transmitted are complete.

4. For small scale development amendments adopted pursuant to Section 163.3187(1)(c), F.S., include the following information:

a. The local government transmittal letter shall state the number of acres for the submitted amendment submitted and the cumulative total number of acres for small scale development amendments for the calendar year that the local government has approved;

b. Whether the amendment involves the same property that was granted another change within the prior 12 months;

c. Whether the amendment involves the same owner's property within 200 feet that was granted a change with the prior 12 months;

d. Whether the proposed amendment involves a text change;

e. Whether the amendment is within an area of critical state concern; and

f. The residential land use density before and after the adopted change.

~~The local government shall enclose a copy of the executed ordinance(s) adopting the small scale development amendments that has been signed by the chief elected official.~~

~~(b)(2) The adopted amendment package shall include:~~

~~1. The local governing body shall submit one copy of the small scale development amendment which shall include a future land use map depicting the newly adopted land use designation and the boundaries and location of the subject property in relationship to the surrounding street and thoroughfare network;~~

~~2. A copy of the executed ordinance(s) adopting the amendments that has been signed by the chief elected official;~~

~~3. A copy of the public hearing notice; shall also be included in the submittal package.~~

4. If amendment is a small scale development amendment within a rural area of critical economic concern and adopted pursuant to Section 163.3187(1)(c)4, F.S., a copy of the letter to Office of Tourism, Trade, and Economic Development certifying and explaining how the plan amendment meets the objectives of the executive order issued under Section 288.0656(7), F.S.:

~~5. A The local governing body shall simultaneously submit completed copy copies of Form RPM-BSP-Exempt Review, Small-Scale effective 6-30-05, incorporated by reference with the Small-Scale development amendment. Copies of Form RPM-BSP-Exempt Review Small-Scale may be obtained from the Department of Community Affairs, Division of Community Planning, Plan Processing Team; and from the Department's web site.~~

~~(3) The adopted small scale amendment shall be sent directly to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team, within ten working days of adoption.~~

~~(2)(4) The local governing body shall transmit a copy of the adopted small scale development amendment to the appropriate regional planning council, the Office of Tourism, Trade, and Economic Development (if the amendment is related to an area of rural critical economic concern pursuant to Section 163.3187(1)(c)4., F.S.) and other local government or governmental agencies in the state that have has filed a written request with the governing body for a copy of the adopted amendment concurrently with the transmittal to the Department.~~

Specific Authority 163.3177(9) FS. Law Implemented 163.3184(17), (18), 163.3187, 163.3246(9)(a) FS. History--New 11-10-93, Amended 11-6-96, 4-8-99, 6-30-05.

9J-11.018 Evaluation and Appraisal Reports and Evaluation and Appraisal Report-Based Amendments.

(1) No change.

(2) TRANSMITTAL REQUIREMENTS FOR PROPOSED EVALUATION AND APPRAISAL REPORT.

(a) If local government elects to submit a proposed Evaluation and Appraisal Report 90 days prior to the evaluation and appraisal report schedule, the local planning agency shall prepare and transmit a proposed evaluation and appraisal report to the local governing body for review and adoption, and contemporaneously send a copy to the Department, which may be on CD ROM in Portable Document Format (PDF), and each review agency as listed under subsection 9J-11.009(6), F.A.C. The local planning agency shall submit a transmittal letter which specifies the date or dates on which the local planning agency held the public hearing and the date that the proposed evaluation and appraisal report was transmitted to each review agency as listed under subsection 9J-11.009(6), F.A.C. At a minimum, the format and content of the proposed report will include a table of contents; numbered pages; element headings; section headings within

elements; a list of included tables, maps and figures; titles and sources for all included tables, maps and figures; where applicable, maps shall include major natural and man-made geographic features, city, county and state lines; maps shall contain a legend indicating a north arrow, map scale and date; a preparation date; and the name of the preparer.

(b) through (c) No change.

(d) The appropriate reviewing agencies as listed under subsection 9J-11.009(6), F.A.C., must provide written comments to the Department and the local government within 30 days after receipt of the proposed report pursuant to Section 163.3191(5), F.S.

(e) Within 30 days of receipt of a complete proposed evaluation and appraisal report the Department shall review the proposed report and submit comments to the local government.

(3) SUBMITTAL REQUIREMENTS FOR ADOPTED EVALUATION AND APPRAISAL REPORT.

(a) Within 90 days after receiving the proposed evaluation and appraisal report from the local planning agency, the local governing body shall adopt, or adopt with changes, the proposed evaluation and appraisal report. Within ten working days of adoption of the report, the local governing body shall submit three copies of the adopted report, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), to the Department. If a proposed report was provided, the local government shall provide a copy of the report to the reviewing agencies which provided comments for the proposed report to the local government. If a proposed report was not provided pursuant to Section 163.3191(5), F.S., the local government shall provide a copy of the report to all reviewing agencies as listed under subsection 9J-11.009(6), F.A.C., including adjacent local governments.

(b) through (d) No change.

(4) CRITERIA FOR DETERMINING SUFFICIENCY OF ADOPTED EVALUATION AND APPRAISAL REPORTS.

(a) Within 60 days of receipt of a complete ~~an~~ adopted evaluation and appraisal report, the Department shall review the adopted report for preliminary sufficiency. A final sufficiency determination shall be completed within 90 days of receipt. A sufficiency review shall not be a compliance review, but shall be a determination that:

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

~~(e) If the Department determines that the adopted report sufficiently addresses the requisite provisions of Section 163.3191, F.S., and this Rule, the local government shall proceed with adoption of plan amendments necessary to implement the recommendations in the report and may proceed with plan amendments in addition to the evaluation and appraisal report based plan amendments.~~

~~(d) If the local governing body fails to adopt the evaluation and appraisal report by the established adoption date, the local governing body is prohibited from amending its comprehensive plan, except for amendments described in Section 163.3187(1)(b) or (h), F.S., until such time as the local governing body adopts and submits an evaluation and appraisal report to the Department.~~

~~(e) If the Department determines that the adopted report is not sufficient because it fails to address the requirements of Section 163.3191, F.S., and this Rule, the local governing body may amend its comprehensive plan, for a period of one year after the initial determination of insufficiency. If the one year period after the initial sufficiency determination of the report has expired and the report has not been determined to be sufficient local government is prohibited from amending its comprehensive plan, until such time as the local governing body adopt, and submits an evaluation and appraisal report that the Department determines sufficiently addresses the requisite provision of Section 163.3191, F.S., and this rule, except for plan amendments that meet the requirements of Section 163.3187(1)(b), F.S.~~

~~(f) If local governments are prohibited from amending the comprehensive plan pursuant to paragraphs 9J-11.018(4)(d) and (e), F.A.C., then during the time period of the prohibition, amendments will not be processed by the Department, and will be returned to the local government except for plan amendments that meet the requirements of Section 163.3187(1)(b), F.S. In order to secure review thereafter, the local government may resubmit the amendments in accordance with the requirements of Sections 163.3184, 163.3187, and 163.3189, F.S., following a determination that the local government's evaluation and appraisal report is sufficient.~~

(5) SUBMITTAL REQUIREMENTS FOR PROPOSED AND ADOPTED EVALUATION AND APPRAISAL REPORT-BASED AMENDMENTS.

The local government shall proceed with adoption of plan amendments necessary to implement the recommendations in the evaluation and appraisal report once the Department has determined that the adopted report sufficiently addresses the requisite provisions of Section 163.3191, F.S., and this rule.

(a) The amendments to implement the evaluation and appraisal report recommendations shall be adopted during a single amendment cycle pursuant to Section 163.3191(10), F.S., w~~Within 18 months after the report is determined to be sufficient by the Department, the local government shall amend its comprehensive plan based upon the recommendations contained therein unless a six-month extension is requested in writing by the local government. The extension request will be granted if the request demonstrates why the local government is unable to meet the original 18 month adoption time frame. Upon request an additional six month extension will be granted if the local government~~

demonstrates that the additional extension will result in greater coordination between transportation and land use for the purposes of improving Florida’s transportation system.

(b) No change.

**(6) SUBMITTAL OF COMPLETE UPDATED PLAN.**

The local government shall submit a complete copy of the updated comprehensive plan, which may be on CD ROM in Portable Document Format (PDF), within 6 months after the effective date of the evaluation and appraisal report-based amendments.

Specific Authority 163.3177(9), 163.3191(10), (12) FS. Law Implemented 163.3187(6), 163.3191 FS. History–New 11-6-96, Amended 4-8-99, 11-24-02,\_\_\_\_\_.

9J-11.022 Submittal Requirements for Public Schools Interlocal Agreement and Amended Agreements.

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

(b) The local government shall submit three copies, of which one copy shall be paper and the other two copies may be on CD ROM in Portable Document Format (PDF), of the executed interlocal agreement or amended agreement to the Department, one copy to the Office of Educational Facilities and SMART Schools Clearinghouse.

(c) through (4) No change.

Specific Authority 163.31777 FS. Law Implemented 163.31777 FS. History–New 11-24-02, Amended\_\_\_\_\_.

**DEPARTMENT OF REVENUE**

RULE CHAPTER TITLE: Compensation for Tax Information  
RULE CHAPTER NO.: 12-18.003

RULE TITLES: Amount and Payment of Compensation  
Submission of Information and Claims  
for Compensation 12-18.004

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-18.003, F.A.C. (Amount and Payment of Compensation), is to: (1) provide in subsection (2) of the rule that compensation for tax information will be paid at a flat rate of 10 percent, 5 percent, or 1 percent of the tax, penalty, and interest collected, based on the criteria currently established; and (2) remove the provisions of subsection (3) that established the criteria for when the Executive Director will pay an amount of compensation greater than the amounts established in subsection (2) of the rule.

The purpose of the proposed amendments to Rule 12-18.004, F.A.C. (Submission of Information and Claims for Compensation), is to update information on how to obtain a copy of Form DR-55, Application for Compensation for Tax Information, from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to the Department’s rules regarding the payment of compensation for information leading to the collection of taxes, penalties, or interest for taxes enumerated under Section 213.05, F.S.

SPECIFIC AUTHORITY: 213.06(1), 213.30(1) FS.

LAW IMPLEMENTED: 213.30 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES

ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

12-18.003 Amount and Payment of Compensation.

(1) No change.

(2) The amount of compensation due for providing information resulting in the collection of taxes, penalties, and interest, except for the collection of unpaid taxes derived from the operation of vending machines, will take into account the value of the information in relation to the facts developed in the investigation or inspection of records.

(a) The amount of compensation will be 10 percent of the ~~first \$75,000 in taxes, penalties, and interest collected, 5 percent of the next \$25,000 in taxes, penalties, and interest collected, and 1 percent of any additional taxes, penalties, and interest collected~~ when:

1. The information is provided in the form of detailed and specific documentary or testimonial evidence;

2. The information directly caused an investigation or inspection of records;

3. The information directly resulted in the recovery of taxes, penalties, or interest due that included taxes, penalties, and interest due on a specific infraction of the revenue laws administered by the Department pursuant to Section ~~s.~~ 213.05, F.S.; and

4. The detailed and specific documentary or testimonial evidence provided by the applicant significantly reduced the time and resources expended in establishing the facts necessary to determine that an infraction of those revenue laws existed.

(b) The amount of compensation will be 5 percent of the first \$75,000 in taxes, penalties, and interest collected, 2 1/2 percent of the next \$25,000 in taxes, penalties, and interest collected, and 1/2 percent of any additional taxes, penalties, and interest collected when:

1. The information provided directly caused an investigation or inspection of records; and

2. The information, although not of sufficient detail or specificity to constitute evidence, was a significant factor in establishing that an infraction occurred and in the recovery of taxes, penalties, and interest due that included taxes, penalties, and interest due on a specific infraction of the revenue laws administered by the Department pursuant to Section 213.05, F.S.

(c) The amount of compensation will be 1 percent of the first \$75,000 in taxes, penalties, and interest collected, and 1/2 percent of any additional taxes, penalties, and interest collected when:

1. The information caused an investigation or inspection of records; and

2. The information provided was of no value in determining the specific liability for taxes, penalties, or interest due.

(3) The Executive Director, or the Executive Director's designee, will pay an applicant an amount greater than the amounts allowed in subsection (2) of this rule when all of the following criteria are met:

(a) The payment for compensation is insufficient to compensate the applicant for monetary damages;

(b) The applicant reasonably fears for his or her safety in light of the totality of the circumstances; and

(c) There is no other way for the Department to secure the proffered information.

(4) through (7) renumbered (3) through (6) No change.

Specific Authority 213.06(1), 213.30(1) FS. Law Implemented 213.30 FS. History--New 6-21-88, Amended 11-14-91, 9-14-93, 10-19-99.

12-18.004 Submission of Information and Claims for Compensation.

(1) through (2) No change.

(3)(a) The Department designates Form DR-55, Application for Compensation for Tax Information, as the form to be used by claimants for this purpose. Form DR-55, Application for Compensation for Tax Information (R. 12/02), is hereby incorporated, by reference, in this rule.

(b) Copies of this form may be obtained, without cost, through one or more of the following methods: 1) downloading the form from the Department's Internet site at <http://www.myflorida.com/dor/taxes/rewards.html>; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway,

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

Specific Authority 213.06(1), 213.30(1) FS. Law Implemented 213.30 FS. History--New 6-21-88, Amended 11-14-91, 10-11-99, 10-1-03.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Public Use Forms	12A-1.097
Service Warranties	12A-1.105
Enterprise Zone and Florida Neighborhood Revitalization Programs	12A-1.107

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.097, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of sales and use tax; and (2) update information on how to obtain forms from the Department.

The purpose of the proposed amendments to Rule 12A-1.105, F.A.C. (Service Warranties), is to: (1) remove an unnecessary example regarding the taxability of service warranties; (2) clarify that any registered dealer who performs repairs or maintenance of tangible personal property indemnified under a service warranty may issue the dealer's Annual Resale Certificate to make tax-exempt purchases, for the purpose of resale, of repair parts, materials, and labor that are incorporated into the repair or maintenance property indemnified by a service warranty; (3) remove provisions regarding the imposition of discretionary sales surtax on the sale of service warranties that are provided in Rule 12A-15.003(7), F.A.C.; and (4) provide technical changes.

The purpose of the proposed amendments to Rule 12A-1.107, F.A.C. (Enterprise Zone and Florida Neighborhood Revitalization Programs), is to implement the provisions of Sections 22 and 30, Chapter 2005-287, L.O.F., which provide that any business qualified to receive the enterprise zone jobs credit on or before December 31, 2005, that pays wages after that date may continue to claim that credit.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the proposed changes to forms used by the Department in the administration of sales and use tax; (2) the proposed changes regarding the imposition of discretionary sales surtax on the sale of service warranties and the purchase of parts, materials, and labor that is incorporated into the repair

or maintenance of property indemnified by a service warranty; and (3) the proposed changes to provisions for the enterprise zone jobs credit necessary to implement the provisions of Sections 22 and 30, Chapter 2005-287, L.O.F.

SPECIFIC AUTHORITY: 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0506, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7), 634.011, 634.131, 634.401, 634.415 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) Copies of these forms, except those denoted by an asterisk (\*), are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at

(850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) ~~faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(b) No change.

Form Number	Title	Effective Date
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(2)(a) DR-1	Application to Collect and/or Report Tax in Florida (R. <del>01/04</del> )	<del>___ 09/04</del>
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(b) No change.

(3) through (4) No change.

(5)(a) DR-7	Consolidated Sales and Use Tax Return (R. <del>01/06 01/05</del> )	<del>___ 06/05</del>
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(b) DR-7N	Instructions for Consolidated Sales and Use Tax Return (R. <del>01/06 01/05</del> )	<del>___ 06/05</del>
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(6)(a) DR-15	Sales and Use Tax Return (R. <del>01/06 01/05</del> )	<del>___ 06/05</del>
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(b) DR-15CS	Sales and Use Tax Return (R. <del>01/06 01/05</del> )	<del>___ 06/05</del>
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(c) DR-15CSN	DR-15 Sales and Use Tax <u>Return Returns</u> – Instructions for <del>2006 2005</del> (R. <del>01/06 01/05</del> )	<del>___ 06/05</del>
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(d) DR-15EZ	Sales and Use Tax Return (R. <del>01/06 01/05</del> )	<del>___ 06/05</del>
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(e) DR-15EZCSN	DR-15EZ Sales and Use Tax Return – Instructions for <del>2006 2005</del> (R. <del>01/06 01/05</del> )	<del>___ 06/05</del>
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(f) DR-15EZN	Instructions for <del>2006 2005</del> DR-15EZ Sales and Use Tax Returns (R. <del>01/06 01/05</del> )	<del>___ 06/05</del>
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(g) through (h) No change.

(i) DR-15N	Instructions for <del>2006 2005</del> DR-15 Sales and Use Tax Returns (R. <del>01/06 01/05</del> )	<del>___ 06/05</del>
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- (j) DR-15ZC Application for Florida Enterprise Zone Jobs Credit for Sales Tax Effective January 1, 2006 ~~2003~~ (R. 01/06 ~~01/03~~) \_\_\_ ~~05/03~~
- (k) DR-15ZCN Instructions for Completing the Sales and Use Tax Return, form DR-15, when taking the Enterprise Zone Jobs Tax Credit under New Law (R. 01/06 ~~01/03~~) \_\_\_ ~~05/03~~
- (l) No change.
- (m) EZ-M Florida Enterprise Zone Program – Building Materials Sales Tax Refund Application for Eligibility (R. 07/05 ~~07/01~~) \_\_\_ ~~08/02~~

(7) through (23) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305, 212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History–New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 6-12-03, 10-1-03, 9-28-04, 6-28-05,\_\_\_\_\_.

12A-1.105 Service Warranties.

(1)(a) through (c) No change.

(d) The partial exemption for the sale of new or used motor vehicles to a resident of another state authorized pursuant to Section 212.08(10), F.S., does not apply to the sale of service warranty contracts.

~~2. Example: A resident of another state purchases a motor vehicle from a Florida motor vehicle dealer for \$10,000 and a service warranty for \$500. The purchaser executes a notarized statement of his intent to license the vehicle in his state of residence within 10 days from the date of purchase. The tax rate on motor vehicles in the purchaser's state of residence is 3%. The Florida motor vehicle dealer should collect \$300 tax on the sale of the motor vehicle (\$10,000 × .03 = \$300) and \$30 tax on the sale of the service warranty (\$500 × .06 = \$30) for a total of \$330.~~

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

(c) Any dealer registered with the Department who performs repairs or maintenance of tangible personal property indemnified under a service warranty may purchase repair parts, materials, and labor incorporated into the repair or maintenance of indemnified property tax-exempt for the

purposes of resale. The repair dealer is required to issue a copy of the dealer's Annual Resale Certificate to the selling dealer at the time of purchase in lieu of paying tax, as provided in Rule 12A-1.039, F.A.C.

(5) The payment of all, or any portion, of a claim arising under a taxable service warranty which is not paid directly to the person performing repairs or maintenance or directly to a lessor of the product listed in the service warranty by the issuer of the service warranty is subject to sales tax. ~~The Such taxable transactions include, but are not limited to, the following amounts are subject to tax:~~

- (a) Any deductible paid by the service warranty holder;
- (b) Any amount paid by the service warranty holder directly to the person performing repairs or maintenance of the product for which the warranty holder may be subsequently reimbursed by the issuer of the service warranty; and
- (c) Payment by the warranty holder for repairs or maintenance that ~~which~~ are not covered by the service warranty.

~~(6) The total consideration received or to be received for any service warranty is subject to any Discretionary Sales Surtax authorized by Section 212.055, F.S., and administered under Section 212.054, F.S., in any county which levies a surtax.~~

Cross Reference: Subsection (7) of Rule 12A-15.003, F.A.C.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (14)(a), (16), 212.0506, ~~212.054, 212.055~~; 212.06, 212.08(7)(v), 212.18(3), 634.011, 634.131, 634.401, 634.415 FS. History–New 1-2-89, Amended 12-11-89, 8-10-92, 1-4-94, 3-20-96, 4-2-00, 6-19-01,\_\_\_\_\_.

12A-1.107 Enterprise Zone and Florida Neighborhood Revitalization Programs.

(1) ENTERPRISE ZONE JOBS CREDIT.

(a) How to Claim the Credit. For employees hired on or after January 1, 2006 ~~October 1, 2004~~, an application that includes the information required by s. 212.096(3)(a)-(f), F.S., effective January 1, 2006 ~~July 1, 2004~~, must be filed with the Enterprise Zone Development Agency for the enterprise zone in which ~~where~~ the business is located to claim the enterprise zone jobs credit. The Department of Revenue prescribes form DR-15ZC, Application for Florida Enterprise Zone Jobs Credit for Sales Tax Effective January 1, 2006 ~~2002~~ (incorporated by reference in Rule 12A-1.097, F.A.C.), for this purpose.

(b) Forms Required. Taxpayers claiming the enterprise zone jobs credit against sales and use tax for employees hired on or after January 1, 2006 ~~October 1, 2004~~, must use Form ~~form~~ DR-15ZC to apply for, calculate, and claim the credit with the Department of Revenue. Form DR-15ZC must be certified by the Enterprise Zone Development Agency, attached to a sales and use tax return, and delivered directly to the Department, or postmarked, within six months after the new employee is hired. Employers ~~Beginning May 1, 2002,~~

employers have seven (7) months from the date a qualified leased employee is hired to file the certified DR-15ZC with the Department.

(2) BUILDING MATERIALS USED IN THE REHABILITATION OF REAL PROPERTY LOCATED IN AN ENTERPRISE ZONE.

(a) No change.

(b) Forms Required. Taxpayers claiming the refund must file an Application for Refund-Sales and Use Tax (Form form DR-26S, incorporated by reference in Rule 12-26.008, F.A.C.) and Form form EZ-M with the Department of Revenue. Form DR-26S must be attached to Form form EZ-M and its attachments, and the package must be delivered directly to the Department. For rehabilitation projects completed prior to July 1, 2005, the application package must be delivered to the Department, or postmarked, within 6 months after the rehabilitation of the property is deemed substantially completed by the local building inspector or within 90 days after the rehabilitated property is first subject to assessment. For rehabilitation projects completed on or after July 1, 2005, the application package must be delivered to the Department, or postmarked, within 6 months after the rehabilitation of the property is deemed substantially completed by the local building inspector or by September 1 of the year the rehabilitated property is first subject to assessment. The completed Form form DR-26S, the certified Form form EZ-M, and the required attachment, should be mailed to:

Florida Department of Revenue
Refund Subprocess
P. O. Box 6490
Tallahassee, Florida 32314-6490

(3) through (9) No change.

Specific Authority 212.08(5)(g)6., (h)6., (n)4., (o)4., (15)(e), 212.11(5)(b), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(5)(g), (h), (n), (o), (q), (15), 212.096, 212.11(5), 212.15(2), 212.17(6), 212.18(2) FS. History--New 1-3-96, Amended 6-19-01, 8-1-02, 5-4-03, \_\_\_\_\_.

DEPARTMENT OF REVENUE

Sales and Use Tax

Table with 2 columns: RULE TITLES and RULE NOS.:
Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax 12A-15.003
Coin-Operated Amusement and Vending Machines, and Other Devices 12A-15.011

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-15.003, F.A.C. (Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax), is to provide that any dealer who receives consideration for the issuance of a service warranty is required to collect surtax at

the rate imposed by the county where the tangible personal property indemnified by the service warranty is delivered or located.

The purpose of the proposed amendments to Rule 12A-15.011, F.A.C. (Coin-Operated Amusement and Vending Machines, and Other Devices), is to correct the divisor rates for counties that impose a discretionary sales surtax at the rates of 1/4 percent or 3/4 percent for purposes of computing the amount of sales tax, plus surtax, due on sales of food, beverages, and other items of tangible personal property made through vending machines.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is: (1) the proposed changes regarding the imposition of discretionary sales surtaxes on the sale of service warranties; and (2) the correction of the divisor rates to compute the amount of sales tax, plus surtax, due on sales of food, beverages, and other items of tangible personal property made through vending machines in counties imposing a 1/4 percent or 3/4 percent discretionary sales surtax.

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

LAW IMPLEMENTED: 212.02(24), 212.05(1), 212.0506, 212.0515, 212.054, 212.055, 212.0596, 212.06(1), (4), (6), (8), (10), 212.07(2), (8), 212.12(11), 212.18(3), 212.183 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-15.003 Admissions; Tangible Personal Property; Services; Service Warranties; Real Property and Transient Accommodations; Use Tax.

(1) through (6) No change.

(7) SERVICE WARRANTIES.

(a) Any ~~dealer person who is located within a surtax county and~~ who receives consideration for the issuance of a service warranty from the agreement holder is required to collect surtax at the rate imposed by the county where the tangible personal property indemnified by the service warranty is delivered or located.

(b)1. Example: The person receiving consideration for a service warranty is located in County A (a county imposing a 1% surtax). The service warranty covers a refrigerator sold in County A and delivered in County B (a county imposing a 1.5% surtax). The person receiving consideration for the service warranty is required to collect sales tax and surtax on the sales price of the service warranty at the rate of 7.5% (6% state sales tax and 1.5% surtax).

~~2.4~~ Example: The person receiving consideration for the issuance of a service warranty is located in County A (a county imposing a 1% surtax). The service warranty covers a television located within County B (a county not imposing the surtax). The person receiving consideration for the service warranty is required to collect sales tax on the sales price of the service warranty at the rate of 6%. The person receiving the consideration is not required to collect surtax.

~~3.2~~ Example: The person receiving consideration for the issuance of a service warranty is located in County A (a county not imposing a ~~1/2%~~ surtax). The service warranty covers a motor vehicle, and the resident address of the owner identified on the title document is located in County B (a county imposing a 1% surtax). The person receiving consideration for the service warranty is required to collect sales tax and surtax on the sales price of the service warranty at the rate of 7% (6% state sales tax and 1% surtax).

(8) through (10) No change.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.05(1), 212.0506, 212.054, 212.055, 212.0596, 212.06(1), (4), (6), (8), (10), 212.07(8), 212.18(3), 212.183 FS. History—New 12-11-89, Amended 1-30-91, 5-12-92, 8-10-92, 11-16-93, 3-20-96, 6-19-01, 10-2-01, 4-17-03,\_\_\_\_\_.

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

(1) No change.

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

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

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

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

Surtax Rate	Divisor for Food and Beverages	Divisor for Other Items of Tangible Personal Property
No Surtax	1.0645	1.0659
1/4%	<del>1.06655</del> 1.0425	1.0683
1/2%	1.0686	1.0707
3/4%	1.0706	<del>1.0728</del> 1.0727
1%	1.0726	1.0749
1 1/4%	1.07465	1.0770
1 1/2%	1.0767	1.0791

(c) No change.

(3) No change.

Specific Authority 212.05(1)(h), 212.0515, 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(24), 212.05(1)(h), 212.0515, 212.054, 212.055, 212.07(2), 212.12(11), 212.18(3) FS. History—New 12-11-89, Amended 1-30-91, 5-12-92, 9-14-93, 11-16-93, 12-13-94, 3-20-96, 6-19-01, 11-1-05,\_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLE: Public Use Forms RULE NO.: 12A-16.008

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-16.008, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge; and (2) update information on how to obtain forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to forms used by the Department in the administration of solid waste fees and the rental car surcharge.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005  
 PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-16.008 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department of Revenue in its dealings with the public in administering the rental car surcharge.

(b) Copies of these forms are available, without cost, by one (1) or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-15SW	Solid Waste and Surcharge Return (R. <del>01/06</del> <del>01/05</del> )	<del>___ 06/05</del>
(3) DR-15SWN	Instructions for <del>2006</del> <del>2005</del> DR-15SW Solid Waste and Surcharge Returns (R. <del>01/06</del> <del>01/05</del> )	<del>___ 06/05</del>
(4) No change.		

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.0606, 212.12(2), 213.235, 376.70, 403.717, 403.718, 403.7185 FS. History--New 11-14-89, Amended 7-7-91, 8-10-92, 3-21-95, 6-19-01, 4-17-03, 9-28-04, 6-28-05, \_\_\_\_\_.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Public Use Forms

RULE NO.: 12A-17.005

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-17.005, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to the form used by the Department in the administration of the registration renewal of secondhand dealers or secondary metals recyclers; and (2) update information on how to obtain forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to the form used by the Department in the administration of the registration renewal of secondhand dealers or secondary metals recyclers.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), 213.06(1), 538.11 FS.

LAW IMPLEMENTED: 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25, 539.002 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-17.005 Public Use Forms.

The following public-use forms and instructions are employed by the Department in its dealings with the public in administering Chapter 538, F.S., and are incorporated by reference in this rule. Copies of these forms are available, without cost, by one (1) or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(1) No change.		
(2) DR-1SR	Renewal Application for Secondhand Dealer or Secondary Metals Recycler (R. <u>06/05</u> <del>07/04</del> )	<u>06/05</u>

Specific Authority 212.17(6), 212.18(2), 213.06(1), 538.11 FS. Law Implemented 212.17(6), 212.18(2), 213.06(1), 538.09, 538.11, 538.25, 539.002 FS. History—New 3-15-90, Amended 11-14-91, 4-18-93, 10-17-94, 8-1-02, 9-28-04, 6-28-05, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLES:	RULE NOS.:
Registration	12A-19.010
Tax Due at Time of Sale; Tax Returns and Regulations	12A-19.020
Sales for the Purpose of Resale	12A-19.060
Public Use Forms	12A-19.100

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-19.010, F.A.C. (Registration), is to: (1) eliminate provisions regarding the communications services tax on substitute communications systems pursuant to Sections 1-11, Chapter 2005-187, L.O.F.; and (2) amend the definition of taxable “communications services” to clarify that the definition includes services provided using voice-over-Internet-protocol, as provided in Section 14, Chapter 2005-187, L.O.F.

The purpose of the proposed amendments to Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), and to Rule 12A-19.060, F.A.C. (Sales for the Purpose of Resale), is to eliminate provisions regarding the communications services tax on substitute communications systems pursuant to Sections 1-11, Chapter 2005-187, L.O.F.

The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), is to: (1) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed during specified months; (2) adopt, by reference, revisions to Form DR-700016, Communications Services Tax Return; and (3) update information on how to obtain forms from the Department.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is: (1) the implementation of the provisions of Chapter 2005-187, L.O.F., regarding the elimination of the tax on substitute communications systems and the clarification that taxable communications services include services provided using voice-over-Internet-protocol; and (2) the adoption, by reference, of changes to Form DR-700016, Florida Communications Services Tax Return, used by the Department in the administration of the communications services tax.

**SPECIFIC AUTHORITY:** 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (h) FS.

**LAW IMPLEMENTED:** 202.11(2), (3), (6), (8), (10), (11), (12), (13), 202.12(1), 202.13(2), 202.151, 202.16, 202.17(1), (3)(a), (4), (6), 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

**TIME AND DATE:** 10:00 a.m., November 30, 2005

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

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any rulemaking proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS:** Thomas Butscher, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12A-19.010 Registration.

(1) Scope of rule. This rule provides guidelines regarding the procedures and requirements for the registration of persons providing communications services, ~~users of substitute communications systems~~, and persons requesting a communications services tax direct pay permit.

(2) No change.

(3)(a) Except as provided herein, a person registering with the Department for the communications services tax must notify the Department of the method(s) that will be employed to determine the local taxing jurisdiction in which service addresses are located. The notification to the Department shall be made using Form form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.). The following persons are not required to file Form form DR-700020 with respect to the activities listed:

1. No change.
- ~~2. Substitute communications system operators;~~
3. through 6. renumbered 2. through 5. No change.

(b) Persons who must register for the communications services tax include persons who provide the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including cable services, to a

point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance, for a consideration, except as provided in paragraph (c). The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added.

(c) through (d) No change.

~~(4) Persons who purchase, install, rent, or lease a substitute communications system must obtain a Communications Services Tax Certificate of Registration (form DR-700014), as provided in subsection (2).~~

~~(a) A substitute communications system means any telephone system, or other system capable of providing communications services, that a person purchases, installs, rents, or leases for his or her own use to provide himself or herself with services used as a substitute for any switched service or dedicated facility by which a dealer of communications services provides a communication path.~~

~~(b) A substitute communications system does not include the use by any dealer of his or her own communications system to conduct a business of providing communications services or any communications system operated by a county, a municipality, the state, or any political subdivision of the state.~~

~~(c) An example of a substitute communications system would occur when a person uses satellite equipment to communicate with other locations without incurring any charges from a communications services provider.~~

~~(4)(5) No change.~~

Specific Authority 202.26(3)(e), (h) FS. Law Implemented 202.11(2), (6), (8), (12), (3), (7), (9); (13), (14), (16); 202.12(1)(b), 202.15, 202.17(1), (3)(a), (4), 202.22(6)(a), 202.27(6) FS. History—New 1-31-02, Amended 4-17-03,\_\_\_\_\_.

12A-19.020 Tax Due at Time of Sale; Tax Returns and Regulations.

(1)(a) No change.

~~(b) Tax due under Section 202.12(1)(b), F.S., on the actual cost of operating a substitute communications system is due on March 1 for the preceding calendar year. The payment accompanied with a return must either reach the Department or be postmarked on or before the 20th day of March for a dealer to avoid penalty and interest for late filing.~~

~~(b)(e) No change.~~

(2)(a) No change.

(b) Except as provided herein, all communications services tax dealers must notify the Department of the method or methods the dealer will employ to determine local taxing

jurisdictions in which service addresses are located. The notification to the Department shall be made using ~~Form form~~ DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule 12A-19.100, F.A.C.). If a communications services tax dealer that is required to notify the Department of the method to be used to determine local taxing jurisdictions fails to notify the Department that the dealer will use a method described in subparagraph (a)1., the dealer will be assigned an initial collection allowance of .25 percent. If a dealer is assigned a collection allowance of .25 percent due to failure to notify the Department of use of a method described in subparagraph (a)1., the dealer will be assigned a .75 percent collection allowance upon subsequently providing a completed ~~Form form~~ DR-700020. The dealer will be entitled to a refund or credit of the difference between the .25 percent collection allowance initially assigned and the .75 percent collection allowance during any period the dealer was using an eligible method and claiming the lower allowance prior to notifying the Department. The following persons are not responsible for collecting and remitting local communications services taxes and are not required to file ~~Form form~~ DR-700020:

1. No change.
- ~~2. Substitute communications system operators;~~
3. through 6. renumbered 2. through 5. No change.

(c) No change.

(3)(a) No change.

~~(b) Form DR-700016, Florida Communications Services Tax Return, must also be used to report and remit tax due on the use of substitute communications systems. Form DR-700016, accompanied by the applicable payment, is due on the first day of March following the use of a substitute communications system during the preceding calendar year. Such return and applicable payment shall be late on the 21st day of March following the end of the calendar year for which the return and applicable payment are due.~~

~~(b)(e) No change.~~

(4) through (5) No change.

~~(6) Purchasers Users of a substitute communications system, and purchasers paying communications services use tax directly to the Department, who file a timely tax return are not allowed to deduct a collection allowance as compensation for the prescribed record keeping, accounting for, and timely remittance of taxes imposed by and administered under Chapter 202, F.S.~~

(7) through (10) No change.

Specific Authority ~~202.15, 202.151, 202.26(3)(a)~~ FS. Law Implemented 202.12(1), ~~202.15, 202.151, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33(2), 202.35(1)~~ FS. History—New 1-31-02, Amended 4-17-03, 7-31-03, 10-1-03, 9-28-04, 6-28-05,\_\_\_\_\_.

12A-19.060 Sales for the Purpose of Resale.

(1) through (3) No change.

(4) ANNUAL RESALE CERTIFICATES ISSUED BY THE DEPARTMENT.

(a) Each newly registered dealer, ~~except persons registered as users of substitute communications systems,~~ will receive a Communications Services Tax Certificate of Registration (Form ~~form~~ DR-700014) and a Communications Services Tax Annual Resale Certificate (Form ~~form~~ DR-700015). For each calendar year, the Department will issue to each active registered dealer a Communications Services Tax Annual Resale Certificate that specifically identifies the valid period of the certificate.

(b) through (d) No change.

(5) through (8) No change.

Specific Authority 202.16(2), 202.26(3)(c), (d) FS. Law Implemented 202.11(3), (10), (4), (11), (12); 202.13(2), 202.16(2), (4), 202.17(6), 202.34(3), (4)(c) FS. History—New 1-31-02, Amended \_\_\_\_\_.

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

REVISION DATE	REPORTING PERIODS
<u>01/06</u>	<u>January 2006 –</u>
<u>11/05</u>	<u>November 2005 – December 2005</u>
<u>06/05</u>	<u>June 2005 – October 2005</u>
01/05	January 2005 – <u>May 2005</u>
11/04	November 2004 – December 2004
10/04	October 2004
06/04	June 2004 – September 2004
01/04	January 2004 – May 2004
12/03	December 2003
11/03	November 2003
10/03	October 2003
06/03	June 2003 – September 2003
03/03	March 2003 – May 2003
01/03	January 2003 – February 2003
12/02	December 2002
11/02	November 2002
10/02	October 2002
01/02	January 2002 – September 2002
12/01	October 2001 – December 2001

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department’s Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) ~~faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department’s Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)).~~ Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

SERVICE BILLING DATES
<u>January 1, 2006 –</u>
<u>November 1, 2005 – December 31, 2005</u>
<u>June 1, 2005 – October 31, 2005</u>
January 1, 2005 – <u>May 31, 2005</u>
November 1, 2004 – December 31, 2004
October 1, 2004 – October 31, 2004
June 1, 2004 – September 30, 2004
January 1, 2004 – May 31, 2004
December 1, 2003 – December 31, 2003
November 1, 2003 – November 30, 2003
October 1, 2003 – October 31, 2003
June 1, 2003 – September 30, 2003
March 1, 2003 – May 31, 2003
January 1, 2003 – February 28, 2003
December 1, 2002 – December 31, 2002
November 1, 2002 – November 30, 2002
October 1, 2002 – October 31, 2002
January 1, 2002 – September 30, 2002
October 1, 2001 – December 31, 2001

(5) through (9) No change.

Form Number	Title	Effective Date
(3) No change.		
<u>(4)(a) DR-700016</u>	<u>Florida Communications Services Tax Return</u> <u>(R. 01/06)</u>	—
<u>(b) DR-700016</u>	<u>Florida Communications Services Tax Return</u> <u>(R. 11/05)</u>	—
<u>(c) DR-700016</u>	<u>Florida Communications Services Tax Return</u> <u>(R. 06/05)</u>	—
(a) through (p) renumbered (d) through (s) No change.		

Specific Authority ~~202.15~~; 202.151, 202.16(2), 202.26(3)(a), (c), (d) FS. Law Implemented 202.11(3), (10), (4), (11), (12); 202.12(1), 202.13(2), ~~202.15~~; 202.151, 202.16(2), (4), 202.17(6), 202.19(1), 202.22(6), 202.27, 202.28(1), (2), 202.30(3), 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History—New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE TITLE: Public Use Forms  
 RULE NO.: 12B-7.031  
 PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12B-7.031, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to Form DR-146,

Miami-Dade County Lake Belt Mitigation Fee Return; and (2) update information on how to obtain forms from the Department.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the workshop is the proposed changes to the form used by the Department in the administration of the Miami-Dade County Lake Belt mitigation fee.

**SPECIFIC AUTHORITY:** 213.06(1), 373.41492(4)(b) FS.

**LAW IMPLEMENTED:** 92.525(1)(b), (2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS.

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

**TIME AND DATE:** 10:00 a.m., November 30, 2005

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

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS:** Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12B-7.031 Public Use Forms.

(1)(a) The following form and instructions are used by the Department in its dealings with the public in the administration of the Miami-Dade County Lake Belt mitigation fee. This form and instructions are hereby incorporated by reference in this rule.

(b) Copies of this form and instructions are available, without cost, by one (1) or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy 2) ~~faxing the Distribution Center at (850)922-2208; or, 3) calling the Forms Request Line during regular office hours at~~

~~(800)352-3671 (in Florida only) or (850)488-6800; or, 4) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-146	Miami-Dade County Lake Belt Mitigation Fee Monthly Return (R. <u>01/05</u> <del>11/04</del> )	<u>06/05</u>

Specific Authority 213.06(1), 373.41492(4)(b) FS. Law Implemented 92.525(1)(b), (2), (3), (4), 212.11(1)(b), 212.12(2), 212.17(1)(c), 213.235(2), 213.37, 213.755(1), 373.41492 FS. History—New 10-1-03, Amended 9-28-04, 6-28-05, \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE TITLES:	RULE NOS.:
Premium Tax; Rate and Computation	12B-8.001
Insurance Policy Surcharge; Rate and Computation	12B-8.002
Tax Statement; Overpayments	12B-8.003

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12B-8.001, F.A.C. (Premium Tax; Rate and Computation), is to add provisions necessary to facilitate the transfer of certified capital company (CAPCO) credits, as required under Section 288.99(11), F.S., as amended by Chapter 2005-91, L.O.F.

The purpose of the proposed amendments to Rule 12B-8.002, F.A.C. (Insurance Policy Surcharge; Rate and Computation), is to implement the changes to Section 252.372, F.S., as amended by Chapter 2005-280, L.O.F., by removing language relating to the collection and remission of the surcharge by surplus lines companies and surplus lines agents. The surcharges on surplus lines policies and independently procured policies will be remitted to the Florida Surplus Lines Office for policies issued on or after January 1, 2006.

The purpose of the proposed amendments to Rule 12B-8.003, F.A.C. (Tax Statement; Overpayments), is to adopt, by reference, changes to forms used by the Department in the administration of the insurance premium tax and update information on how to obtain forms from the Department.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the workshop is: (1) the proposed provisions necessary to facilitate the transfer of certified capital company (CAPCO) credits; (2) the proposed removal of language relating to the collection and remission of the surcharge by surplus lines companies and surplus lines agents; and (3) the proposed adoption of changes to forms used by the Department in the administration of the corporate income tax and franchise tax.



SPECIFIC AUTHORITY: 213.06(1), 220.183(6), 288.99(11), 624.5105(6) FS., Ch. 93-128, L.O.F.

LAW IMPLEMENTED: 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 213.37, 220.183(3), 288.99(11), 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.511, 624.518, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS., Ch. 93-128, L.O.F.

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

TIME AND DATE: 10:00 a.m., November 30, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-8.001 Premium Tax; Rate and Computation.

(1) through (2) No change.

(3) Credits Against the Tax.

(a) through (d) No change.

(e) Certified Capital Company (CAPCO) Credit.

1. Who May Claim the Credit. Any certified investor who made an investment of certified capital in a CAPCO and earned a CAPCO credit under Section 288.99, F.S., is entitled to use no more than 10 percent of the CAPCO credit, including any carryover CAPCO credits, per year beginning with the insurance premium tax (IPT) return for calendar year 2000.

2. Carryovers of CAPCO Credit. Any CAPCO credits not used by a certified investor in any single year may be carried forward and applied against the premium tax liabilities of such investor for subsequent calendar years. The IPT return for calendar year 2010 is the first return on which a certified investor or a transferee of a certified investor's unused CAPCO credit may use carryover CAPCO credits.

3. Transfer/Sale of CAPCO Credit. Effective May 26, 2005, CAPCO credits may be sold. A transfer or sale of a CAPCO credit will not affect the time schedule for taking the

CAPCO credit. The claim of a transferee of a certified investor's unused CAPCO credit is permitted in the same manner and subject to the same provisions and limitations as the original certified investor. Transfers or sales of a current year CAPCO credit (the amount of CAPCO credit available to be claimed in the current tax year), future year CAPCO credits (the amount of CAPCO credit available to be claimed in future years – excluding carryover CAPCO credits), and CAPCO credit carryovers (the amount of CAPCO credit carried over from prior years where the current year CAPCO credit at that time was not fully used) are allowed.

a.(I) When current year CAPCO credits, future year CAPCO credits or carryover CAPCO credits are transferred in whole or in part, written notification of such action must be provided to the Department of Revenue, Return Reconciliation Process, Insurance Premium Tax, 5050 W. Tennessee St., Bldg. F-3, Tallahassee, FL 32399-0100. This notification must be made at the earlier of within 30 days of such action, or within 30 days of when such IPT return on which such CAPCO credits could initially be claimed is due. The notification is required to contain the name and federal identification number of the original CAPCO investor, the name and federal identification number of the seller (if different from the original CAPCO investor), the name and federal identification number of the purchaser, the amount and type of CAPCO credit being transferred/sold, and a schedule tracking the amount of CAPCO credit granted the original investor and the use of such CAPCO credit through the date of transfer/sale.

(II) Transfer/sale of Future Year and Carryover CAPCO Credit Example. Insurer Z made an investment of certified capital in a CAPCO of \$1,000,000 in 1999 and earned a CAPCO credit of \$1,000,000. Insurer Z may use up to \$100,000 of its CAPCO credit, including any carryover CAPCO credit, each IPT year, beginning with the 2000 IPT return, until the CAPCO credit is used in its entirety. In 2000, 2001, 2002, 2003, and 2004, Insurer Z used CAPCO credits of \$100,000, \$100,000, \$100,000, \$75,000, and \$30,000, respectively. Insurer Z did not transfer any of its 2000, 2001, 2002, 2003, or 2004 current year CAPCO credits, as it had no affiliates. Insurer Z had a carryover CAPCO credit of \$95,000 (\$25,000 from 2003 and \$70,000 from 2004), which could be used by Insurer Z on its 2010 IPT return. On December 1, 2005, Insurer Z sells all of its remaining CAPCO credits and carryover credits, including its 2005 current year CAPCO credit, to Insurer M. By the earlier of December 31, 2005, or March 1, 2006, Insurer Z sent a letter to the Department of Revenue stating that it sold all of its CAPCO credits to Insurer M. The letter included the federal identification numbers of Insurer Z and Insurer M. The letter also included a breakdown of how insurer Z used its CAPCO credits from 2000 to 2004 (\$405,000 of CAPCO credits used by Insurer Z – \$100,000 used on its 2000 IPT year, \$100,000 used on its 2001 IPT year, \$100,000 used on its 2002 IPT year, \$75,000 used on its 2003 IPT year, and \$30,000 used on its 2004 IPT year) and a recap of

the amount of CAPCO credits sold (CAPCO credits of \$100,000 per year for IPT years 2005 through 2009 and a \$95,000 CAPCO credit carryover available for the 2010 IPT year for a total of \$595,000). Insurer M started claiming CAPCO credits beginning with its 2005 IPT return. Insurer M will include a statement with each of its IPT returns on which it is claiming a CAPCO credit that it purchased its CAPCO credit from Insurer Z on December 1, 2005.

b.(I) Instead of fulfilling the requirements of sub-subparagraph a., when a certified investor transfers in whole or in part current year CAPCO credits to an affiliate of the certified investor, the certified investor and the affiliate(s) to whom the current year CAPCO credit transfer was made are required to prepare a schedule reconciling how the certified investor's current year CAPCO credit was utilized and attached a copy of that schedule to the current year IPT returns of the certified investor and affiliate(s) to whom an allocation of current year CAPCO credit was made. The schedule must include the name, federal identification number, and amount of CAPCO credit claimed by each entity. In addition, the certified investor must attach a copy of the certification letter it received from the certified capital investment company to its IPT return.

(II) Transfer of Current Year CAPCO Credit Example. Insurer A made an investment of certified capital in a CAPCO of \$1,000,000 in 1999 and earned a CAPCO credit of \$1,000,000. Insurer A may use up to \$100,000 of its CAPCO credit, including any carryover CAPCO credit, each IPT year, beginning with the 2000 IPT return, until the CAPCO credit is used in its entirety. In the 2005 IPT year, Insurer A transferred \$20,000 of its \$100,000 current year CAPCO credit to its subsidiary, Insurer B. On their 2005 IPT returns, Insurer A claimed a CAPCO credit of \$80,000 and Insurer B claimed a CAPCO credit of \$20,000. Both insurers attached a schedule reconciling the use of Insurer A's \$100,000 current year CAPCO credit. The reconciliation schedule included Insurer A's and Insurer B's names, federal identification numbers, and the amount of CAPCO credit claimed by each insurer. In addition, Insurer A attached a copy of its CAPCO credit certification letter to its 2005 IPT return.

4. Recordkeeping Requirements. Every certified investor and transferee claiming a CAPCO credit must retain a copy of the certification letter received from the certified capital investment company and a schedule reconciling all credit carryovers, transfers, and sales for as long as the contents are material for administrative purposes. The retention of records is generally controlled by Section 213.35, F.S., which requires records to be kept until the expiration of time for the Department of Revenue to make an assessment under Section 95.091(3), F.S.

(4) through (9) No change.

Specific Authority 213.06(1), 220.183(6), ~~288.99(11)~~, 624.5105(6) FS. Law Implemented 175.101, 175.121, 175.141, 185.08(3), 185.10, 185.12, 213.05, 213.235, 220.183(3), ~~288.99(11)~~, 624.4621, 624.475, 624.509, 624.5092, 624.510, 624.5105, 624.519, 624.520(2), 626.7451(11), 627.3512, 627.357(9), 628.6015, 629.5011, 634.131, 634.313(2), 634.415(2) FS. History—New 2-3-80, Formerly 12B-8.01, Amended 3-25-90, 4-10-91, 2-18-93, 6-16-94, 10-19-94, 1-2-96, 12-9-97, 6-2-98, 4-2-00, 10-15-01, 8-1-02,\_\_\_\_\_.

12B-8.0012 Insurance Policy Surcharge; Rate and Computation.

(1) Every insurer, ~~including surplus lines and surplus lines agents~~, must collect a surcharge of \$2 and \$4 from the policyholders of certain types of property insurance issued or renewed on or after May 1, 1993. The proceeds will be deposited into the Emergency Management, Preparedness, and Assistance Trust Fund.

(2) through (7) No change.

~~(8) The surcharge on surplus lines policies must be remitted by the surplus lines agents, unless the surplus lines insurer collects and remits the surcharge, and must be remitted on Form DR-907 and Form DR-908. The surcharge is required to be remitted by the surplus lines agent for only the surplus lines policies. The authorized insurer is required to collect and remit the surcharge for all other policies. The \$250 quarterly and annual filing fees do not apply to either the surplus lines agent or the surplus lines insurer.~~

~~(9) The insurance premium tax on surplus lines will continue to be remitted to the Department of Insurance as required.~~

(10) through (11) renumbered (8) through (9) No change.

~~(10)(12) The first installment on the surcharge was due June 15, 1993, for May and June with the subsequent installment due on October 15 for the calendar quarter ending September 30. A separate line denoting the surcharge is provided on the revised Form DR-907 and the revised Form DR-908, annual return, which is due by March 1.~~

(13) through (16) renumbered (11) through (14) No change.

Specific Authority 213.06(1) FS., Ch. 93-128, L.O.F. Law Implemented 624.5092 FS., Ch. 93-128, L.O.F. History—New 6-16-94, Amended \_\_\_\_\_.

12B-8.003 Tax Statement; Overpayments.

(1) Tax returns and reports shall be made by insurers on forms prescribed by the Department. These forms are hereby incorporated by reference in this rule.

(2) Copies of these forms are available, without cost, by one ~~(1)~~ or more of the following methods: 1) downloading the form from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) ~~2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during~~

regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(3) through (4) No change.

Form Number	Title	Effective Date
(5)(a) DR-907	Florida Insurance Premium Installment Payment (R. <u>01/06</u> <del>01/05</del> )	<u>06/05</u>
(b) DR-907N	Information for Filing Insurance Premium Installment Payment (Form DR-907) (R. <u>01/06</u> <del>01/05</del> )	<u>06/05</u>
(6)(a) DR-908	Insurance Premium Taxes and Fees Return for Calendar Year <u>2005</u> <del>2004</del> (R. <u>01/06</u> <del>01/05</del> )	<u>06/05</u>
(b) DR-908N	Instructions for Preparing Form DR-908 Florida Insurance Premium Taxes and Fees Return (R. <u>01/06</u> <del>01/05</del> )	<u>06/05</u>
(7) DR-350900	<u>2005</u> <del>2004</del> Insurance Premium Tax Information for Schedules XII and XIII, DR-908 (R. <u>01/06</u> <del>01/05</del> )	<u>06/05</u>

Specific Authority 213.06(1) FS. Law Implemented 213.05, 213.37, 624.5092, 624.511, 624.518 FS. History—New 2-3-80, Formerly 12B-8.03, Amended 3-25-90, 3-10-91, 2-18-93, 6-16-94, 12-9-97, 3-23-98, 7-1-99, 10-15-01, 8-1-02, 5-4-03, 9-28-04, 6-28-05.

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Enterprise Zone Program Forms	12C-1.0188 12C-1.051

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12C-1.0188, F.A.C. (Enterprise Zone Program), is to implement the changes to the corporate income tax enterprise zone jobs credit provided in Sections 23, 25, and 30, Chapter 2005-287, L.O.F.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to adopt, by reference, changes to the forms used by the Department in the administration of the corporate income tax and franchise tax.

**SUBJECT AREA TO BE ADDRESSED:** The subject area of the workshop is: (1) the proposed amendments necessary to implement the statutory changes to the corporate income tax

enterprise zone jobs credit; and (2) the proposed adoption of changes to forms used by the Department in the administration of the corporate income tax and franchise tax.

**SPECIFIC AUTHORITY:** 213.06(1), 220.182(8), 220.183(6)(d), 220.51 FS.

**LAW IMPLEMENTED:** 213.05, 213.35, 220.03(1), 220.11, 220.12, 220.13(1), (2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04, 290.0055, 290.0065, 290.009(1) FS.

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

**TIME AND DATE:** 10:00 a.m., November 30, 2005

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

**NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT:** Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD). **THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS:** Suzanne Paul, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4733

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

- 12C-1.0188 Enterprise Zone Program.
  - (1) Corporate Income Tax – Enterprise Zone Jobs Credit.
    - (a) How to Claim the Credit. Subsection 220.181(2), F.S., requires that an application, which includes the information stated in that subsection, be filed with the Enterprise Zone Development Agency for the enterprise zone in which the business is located.
      - ~~(b) 1. Forms Required. Taxpayers claiming the Enterprise Zone Jobs Credit for employees hired on or before October 1, 2001, must use Form F-1157Z, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (incorporated by reference in Rule 12C 1.051, F.A.C.), to compute the allowable Enterprise Zone Jobs Credit amount. Form F-1157Z requires the signature of an officer, under oath, duly authorized to sign. The F-1157Z must be certified by the~~

~~Enterprise Zone Development Agency, attached to a corporate income tax return, and submitted to the Department of Revenue.~~

~~1.2.~~ Forms Required. Taxpayers claiming the Enterprise Zone Jobs Credit for employees hired on or after January 1, 2006 ~~October 1, 2004~~, must use Form F-1156Z, Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax-Effective January 1, 2006 ~~2002~~ (incorporated by reference in Rule 12C-1.051, F.A.C.), to compute the allowable Enterprise Zone Jobs Credit amount. Form F-1156Z requires the signature of an officer, under oath, duly authorized to sign. The F-1156Z must be certified by the Enterprise Zone Development Agency, attached to a corporate income tax return, and submitted to the Department of Revenue.

~~2.3.~~ A copy of the certified ~~F-1157 and~~ F-1156Z must be forwarded to the Florida Department of Revenue, General Tax Administration, 5050 West Tennessee Street, Tallahassee, Florida 32399-0100, by the Enterprise Zone Development Agency.

(2) through (3) No change.

(4) The forms referenced in this rule section are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331. These forms may also be obtained from the Enterprise Zone Development Agency for the enterprise zone in which the business is located.

(5) Questions relating to enterprise zones created on January 1, 2006 ~~July 1, 1995~~, should be directed to:

Executive Office of the Governor  
Office of Tourism, Trade, and Economic Development  
The Capitol  
Tallahassee, Florida 32399-0001

Specific Authority 213.06(1), 220.182(8), 220.183(6)(d), 220.51 FS. Law Implemented 213.05, 213.35, 220.03(1), 220.131, 220.181, 220.182, 220.183, 220.44, 290.0055, 290.0065, 290.009(1) FS. History--New 1-3-96, Amended 8-1-02, \_\_\_\_\_.

12C-1.051 Forms.

(1)(a) The following forms and instructions are used by the Department in its administration of the corporate income tax and franchise tax. These forms are hereby incorporated by reference in this rule.

(b) Copies of this form may be obtained, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) No change.		
(3) F-851	Corporate Income/ Franchise and Emergency Excise Tax Affiliation Schedule (R. <u>01/06</u> <del>01/04</del> )	___ <u>08/02</u>
(4)(a) F-1065	Florida Partnership Information Return (R. <u>01/06</u> <del>01/05</del> )	___ <u>06/05</u>
(b) F-1065N	Instructions for Preparing Form F-1065 Florida Partnership Information Return (R. <u>01/06</u> <del>01/05</del> )	___ <u>06/05</u>
(5) F-1120A	Florida Corporate Short Form Income Tax Return (R. <u>01/06</u> <del>01/05</del> )	___ <u>06/05</u>
(6)(a) F-1120	Florida Corporate Income/ Franchise and Emergency Excise Tax Return (R. <u>01/06</u> <del>01/05</del> )	___ <u>06/05</u>
(b) F-1120N	F-1120 Instructions – Corporate Income/ Franchise and Emergency Excise Tax Return for taxable years beginning on or after January 1, <u>2005</u> <del>2004</del> (R. <u>01/06</u> <del>01/05</del> )	___ <u>06/05</u>

- (7) F-1120ES Declaration/Installment of Florida Estimated Income/  
Franchise and/or Emergency Excise Tax for Taxable Year Beginning on or after January 1, ~~2006~~ 2005 (R. ~~01/06~~ ~~01/05~~) \_\_\_\_\_ ~~06/05~~
- (8)(a) F-1120X Amended Florida Corporate Income/  
Franchise and Emergency Excise Tax Return (R. ~~01/06~~ ~~01/04~~) \_\_\_\_\_ ~~09/04~~
- (b) F-1120XN Instructions for Preparing Form F-1120X Amended Florida Corporate Income/  
Franchise and Emergency Excise Tax Return (R. ~~01/06~~ ~~01/04~~) \_\_\_\_\_ ~~09/04~~
- (9) F-1122 Authorization and Consent of Subsidiary Corporation to be Included in a Consolidated Income and Emergency Excise Tax Return (R. ~~01/06~~ ~~01/01~~) \_\_\_\_\_ ~~08/02~~
- (10)(a) F-1156Z Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax – Effective January 1, ~~2006~~ 2002 (R. ~~01/06~~ ~~N-01/02~~) \_\_\_\_\_ ~~08/02~~
- (b) F-1156ZN Instructions for Completing Form F-1156Z Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax – Effective January 1, 2006 2002 (R. 01/06 01/03) \_\_\_\_\_ 06/03
- ~~(11) F-1157Z Florida Enterprise Zone Jobs Credit Certificate of Eligibility for Corporate Income Tax (R. 01/03) \_\_\_\_\_ 06/01~~
- (12) through (16) renumbered (11) through (15) No change.
- ~~(16)(17) F-7004 Florida Tentative Income/  
Franchise and/or Emergency Excise Tax Return and Application for Extension of Time to File Return (R. ~~01/06~~ ~~01/05~~) \_\_\_\_\_ ~~06/05~~~~

Specific Authority 213.06(1), 220.51 FS. Law Implemented 220.11, 220.12, 220.13(1), (2), 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS. History—New 9-26-77, Amended 12-18-83, Formerly 12C-1.51, Amended 12-21-88, 12-31-89, 1-31-91, 4-8-92, 12-7-92, 1-3-96, 3-18-96, 3-13-00, 6-19-01, 8-1-02, 6-19-03, 3-15-04, 9-24-04, 6-28-05, \_\_\_\_\_.

**DEPARTMENT OF REVENUE  
Corporate, Estate and Intangible Tax**

RULE TITLE: Public Use Forms  
RULE NO.: 12C-2.0115

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-2.0115, F.A.C. (Public Use Forms), is to: (1) adopt, by reference, changes to the forms used by the Department in the administration of the intangible personal property tax; and (2) update information on how to obtain forms from the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed changes to the forms used by the Department in the administration of the intangible personal property tax.

SPECIFIC AUTHORITY: 199.202(2), 213.06(1) FS.  
LAW IMPLEMENTED: 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
TIME AND DATE: 10:00 a.m., November 30, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before Technical Assistance and Dispute Resolution is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-2.0115 Public Use Forms.

(1)(a) The following public use forms and instructions are employed by the Department in its dealings with the public related to administration of the intangible tax. These forms are hereby incorporated and made a part of this rule by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading the form from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 6) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 7) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-601-C	<u>2006 2005</u> Florida Intangible Personal Property Tax Return for Corporation, Partnership, and Fiduciary Filers as of January 1, <u>2006 2005</u> (R. <u>01/06 01/05</u> )	___ 06/05
(3) DR-601-CN	<u>2006 2005</u> Instructions for Filing Form DR-601C Intangible Personal Property Tax Return for Corporation, Partnership and Fiduciary Filers (R. <u>01/06 01/05</u> )	___ 06/05
(4) DR-601-CS	<u>2006 2005</u> Schedules B, C, D, and E for use with DR-601C (R. <u>01/06 01/05</u> )	___ 06/05
(5) DR-601-G	Government Leasehold Intangible Personal Property Tax Return for <u>2006 2005</u> Tax Year (R. <u>01/06 01/05</u> )	___ 06/05
(6) DR-601-I	<u>2006 2005</u> Florida Intangible Personal Property Tax Return for Individual and Joint Filers as of January 1, <u>2006 2005</u> (R. <u>01/06 01/05</u> )	___ 06/05

(7) DR-601IN	<u>2006 2005</u> Instructions for Filing Form DR-601I Intangible Personal Property Tax Return for Individual and Joint Filers (R. <u>01/06 01/05</u> )	___ 06/05
(8) DR-601IS	<u>2006 2005</u> Schedules B, C, D, and E for use with DR-601I (R. <u>01/06 01/05</u> )	___ 06/05
(9) through (11)	No change.	
(12) DR-350617	Application for Exclusion from Filing Stockbroker Position Statement (R. <u>01/06 01/05</u> )	___ 06/05
(13) DR-350618	Stockbroker Instructions and Specifications for Reporting Information on Magnetic Media for Year Ending <u>12/31/05 12/31/04</u> (R. <u>01/06 01/05</u> )	___ 06/05
(14) DR-350619	Stockbroker Filing Magnetic Media Transmittal (R. <u>01/06 01/05</u> )	___ 06/05
(15) DR-350620	Stockbroker Information Report (R. <u>01/06 01/05</u> )	___ 06/05

Specific Authority 199.202(2), 213.06(1) FS. Law Implemented 199.023, 199.032, 199.042, 199.052, 199.062, 199.103, 199.1055, 199.135, 199.232, 199.292 FS. History—New 11-21-91, Amended 1-5-94, 10-9-01, 5-4-03, 9-28-04, 6-28-05.

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

**RULE TITLE:** Public Use Forms  
**RULE NO.:** 12C-3.008  
**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12C-3.008, F.A.C. (Public Use Forms), is to adopt, by reference, changes to forms used by the Department in the administration of the Florida estate tax and to update information on how to obtain forms from the Department.  
**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is the adoption of changes to forms used by the Department in the administration of the Florida estate tax.  
**SPECIFIC AUTHORITY:** 198.08, 213.06(1) FS.  
**LAW IMPLEMENTED:** 198.08 FS.  
**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**  
**TIME AND DATE:** 10:00 a.m., November 30, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Larry Green at (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Joe Parramore, Revenue Program Administrator I, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4709

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-3.008 Public Use Forms.

(1)(a) The following public-use forms and instructions are employed by the Department in its dealings with the public and are hereby adopted by reference.

(b) Copies of these forms are available, without cost, by one or more of the following methods: 1) downloading these forms from the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor); or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site stated in the parentheses ([www.myflorida.com/dor](http://www.myflorida.com/dor)). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-301	Preliminary Notice and Report (R. <del>07/05 09/01</del> )	___ 05/03
(3) DR-308	Request and Certificate for Waiver and Release of Florida Estate Tax Lien (R. <del>07/05 09/01</del> )	___ 05/03
(4) No change.		

(5) DR-312	Affidavit of No Florida Estate Tax Due ( <del>for decedents dying on or after January 1, 2000</del> ) (R. <del>07/05 08/02</del> )	___ 05/03
(6) F-706	Florida Estate Tax Return for Residents, Nonresidents and Nonresident Aliens (R. <del>07/05 01/03</del> )	___ 05/03

Specific Authority 198.08, 213.06(1) FS. Law Implemented 198.08 FS. History--New 9-26-77, Formerly 12C-3.08, Amended 1-11-93, 8-25-94, 1-22-01, 5-4-03, \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Highway Beautification and Landscape Management	14-40
RULE TITLES:	RULE NOS.:
Highway Landscape Projects	14-40.003
Grant Application Process	14-40.020
Application and Permit Issuance	14-40.030

PURPOSE AND EFFECT: The amendment is to clarify language in paragraph 14-40.003(3)(b), F.A.C., that the prohibition against planting and landscape projects that will screen an outdoor advertising sign applies to certain signs that are exempt from the Department's permitting requirements. Also, the language regarding how to obtain required forms identified within the rule chapter is made consistent throughout the rules, and one of the forms is updated.

SUBJECT AREA TO BE ADDRESSED: The amendment revises paragraph 14-40.003(3)(b), F.A.C., regarding prohibiting plantings that screen outdoor advertising signs. Forms are made available at all Department offices or on the website, and one of the forms is updated.

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART I GENERAL PROVISIONS

14-40.003 Highway Landscape Projects.

(1) through (3)(a)7. No change.

(b) No planting or installation of vegetation or other landscape material for landscape projects, or issuance of permits for such planting or installation, including construction and beautification projects, is allowed on Department right of way which screens or which, when mature, will screen an outdoor advertising sign permitted under Chapter 479, Florida Statutes. This prohibition applies to outdoor advertising signs exempt from Department permitting requirements that are on the state highway system and located within incorporated municipalities. This prohibition applies to all landscape, construction, and beautification projects on Department right of way regardless of the source of funds for the project, except for landscape projects approved by the Department prior to the date of the original, state sign permit for the sign. For purposes of this rule, a landscape, construction, or beautification project is approved when it is specifically identified in the Department's five year work program, is a permitted landscape project, is part of an executed agreement between the Department and a local government, or has been approved in writing by the Department for installation at a later date by a local government.

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

(e) An abutting private property owner is not required to comply with paragraph (3)(d) of this rule and may apply for a permit to alter or install landscape materials on the Department's non limited access right of way directly abutting the owner's property between the right of way line and the nearest edge of pavement through submission of a Permit for Landscaping on State Road Right of Way, Form 650-050-09, Rev. 01/06 02/02, which is incorporated herein by reference and is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. Abutting private property owners must submit for approval a landscape plan, maintenance plan, and work zone traffic control plan.

(3)(f) through (6)(b) No change.

Specific Authority 334.044(2), 337.2505 FS. Law Implemented 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS. History--New 9-22-92, Amended 1-19-99, 4-2-02, 5-22-05, \_\_\_\_\_.

PART II FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANTS

14-40.020 Grant Application Process.

(1)(a) through (e) No change

(f) "Grant Application" means the Florida Highway Beautification Council Grant Application, Form 650-050-10, Rev. 01/04, incorporated herein by reference. Copies of the grant application form and instructions for completing the grant application may be obtained from any Department District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information

Office, by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450, or on through the Department website at http://www.dot.state.fl.us/emo.

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

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History--New 1-19-99, Amended 11-22-01, 3-20-03, 8-10-03, 12-23-03, \_\_\_\_\_.

PART III VEGETATION MANAGEMENT AT OUTDOOR ADVERTISING SIGNS

14-40.030 Application and Permit Issuance.

(1) Permit Required.

(a) No person or entity may remove, cut, or trim, trees, shrubs, or herbaceous plants on the Department's right of way to make visible or to ensure future visibility of off-premise outdoor advertising signs without obtaining a Permit for Vegetation Management at Outdoor Advertising Sign, Form 650-050-08, Rev. 07/97, which is incorporated herein by reference, pursuant to this rule chapter. For purposes of this rule, the application of chemical control constitutes removing, cutting, or trimming, depending on the impact on the tree, shrub, or herbaceous plant. A Permit for Vegetation Management at Outdoor Advertising Sign may be requested by submitting a completed Application for Vegetation Management at Outdoor Advertising Sign, Form 650-050-06, Rev. 01/02, which is incorporated herein by reference, to the Department District Maintenance Engineer or designee with responsibility for the segment of state road to which the subject sign is permitted. Alternatively, the Application for Vegetation Management at Outdoor Advertising Sign may be submitted to the State Outdoor Advertising Administrator, with an application for a new sign permit. Form 650-050-06 is available at any Department Office or on the Department website at: www.dot.state.fl.us/emo. This rule does not apply to requests to trim or remove vegetation that screens on-premise signs.

(b) through (4) No change.

Specific Authority 334.044(2), 337.2505(1) FS. Law Implemented 334.044(25), 335.167, 337.405, 479.106 FS. History--New 1-19-99, Amended 2-7-02, \_\_\_\_\_.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Qualification, Selection, and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT	14-75
RULE TITLES:	RULE NOS.:
Consultant Qualification Process	14-75.0022
Minimum Qualification Standards by Type of Work	14-75.003
Consultant Competitive Selection Process	14-75.004



Suspension or Revocation of Qualification 14-75.0051  
 Professional Consultant Work Performance  
 Evaluation System 14-75.0052

PURPOSE AND EFFECT: This is a substantial amendment of Rule Chapter 14-75, F.A.C. Amendments to Rule Chapter 14-75, F.A.C., include clarification of audit report requirements, amendments to the types of work, clarification of the definitions and experience requirements for each, and revising the work performance evaluation of consultants.

SUBJECT AREA TO BE ADDRESSED: This is a substantial amendment of Rule Chapter 14-75, F.A.C.

SPECIFIC AUTHORITY: 287.055, 334.044(2), 337.105, 837.06 FS.

LAW IMPLEMENTED: 287.055, 337.107, 337.1075, 337.167 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-75.0022 Consultant Qualification Process.

(1) This rule chapter establishes minimum qualification standards by type of work for consultants, the consultant competitive selection process, and the work performance evaluation system for professional consultants who seek to provide professional services to the Department pursuant to Sections 287.055, 337.107, and 337.1075, Florida Statutes.

(2) The provisions of Rule 28-106.103, F.A.C., will be used in computing any period of time prescribed by this rule chapter.

(3) Application for Qualification.

(a) A Professional Consultant who desires to qualify with the Department shall submit a Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. 03/04, incorporated herein by reference, which may be obtained from the Procurement Office, MS 20, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450, or from the Department's web page at <http://www.dot.state.fl.us/procurement/>.

(b) Professional Consultants who are not qualified at the time of advertisement for a consultant project must file with the Department a completed Request for Qualification Package for Professional Consultants on or before the project's advertised letter of response date. The Department is not

obligated to delay any part of the consultant selection process or the execution of a contract, for a consultant who has not been qualified.

(c) The Request for Qualification Package for Professional Consultants will include the following items:

1. An audit report prepared by an independent Certified Public Accountant or governmental agency. The audit report should be received by the Department within six months of the end of the fiscal year it addresses, will be no more than twelve months old on the date of submission and will include the following:

a. A statement indicating the existence of an adequate accounting system that meets the Department's audit requirements, as evidenced by certification by an independent Certified Public Accountant or governmental agency. The system must be adequate to support all billings made to the Department and other clients. ~~A b. An overhead statement indicating the direct labor costs incurred, listing(s) allocable indirect costs, and listing(s) other direct costs incurred and overhead rate for the most recently completed fiscal year.~~

b. A statement of reimbursement rates for indirect costs (overhead), direct expenses, and Facilities Capital Cost of Money (FCCM) for the most recently completed fiscal year.

c. A statement that the consultant's method of estimating costs for proposals is consistent with the accounting system.

d. A statement that the audit was performed in accordance with generally accepted governmental auditing standards, the Department's ~~Reimbursement Rate Overhead Audit Guidelines, 2005, November 2002;~~ and the ~~Government Auditing Standards, 2003, Revision Revised July 1999 through Amendment No. 2, 8/18/99,~~ published by the U.S. Government Printing Office, which are hereby incorporated by reference.

2. Consultants who have been operating for less than one complete fiscal year, consultants who have reorganized to the extent that the most recent ~~reimbursement rate overhead~~ audit does not reflect a currently valid ~~reimbursement overhead~~ rates, and consultants who have established and operated an accounting system in accordance with the minimum standards provided in the Department's ~~Reimbursement Rate Overhead Audit Guidelines, 2005 2002,~~ for a period of less than one year, will prepare a projected overhead direct expense, and FCCM rates which will be supported by estimated revenues and expenditures for the first fiscal year's operations since organization, reorganization, or implementation of the acceptable accounting system. The Department's Office of Inspector General shall review the estimate and establish a provisional ~~reimbursement combined overhead~~ rates, which may be used in Department contracts until the consultant has completed its first fiscal year of operation, at which time the consultant shall submit an annual ~~reimbursement rate overhead~~ audit performed by an independent Certified Public Accountant or governmental agency.

3. Consultants requesting qualification for minor projects only, with contract fees under \$250,000, or consultants qualifying solely for contracting under Group 20, Appraisal Services, or Group 22, Acquisition Business Damage Estimating and Estimate Review, in any dollar amount, are not required to submit a reimbursement rate audit. They as certified public accountants, may submit a self-certified overhead report and statement describing their accounting system, certified by a principal, in lieu of an audit report and accounting system certification prepared by an independent Certified Public Accountant or governmental agency. Such report will be in the format specified in the Department's Reimbursement Rate Overhead Audit Guidelines, 2005 2002.

4. Proof of professional liability insurance by one of the following methods:

a. Submittal of a current certificate of professional liability insurance from a company or companies authorized to do business in Florida; or an unequivocal commitment letter from such an insurance company stating that professional liability insurance would be provided to the applicant; or

b. Submittal of a commitment letter from a financial institution meeting the requirements of Section 337.106, Florida Statutes, stating that a nonassignable and nontransferable irrevocable letter of credit, established pursuant to Chapter 675 and Section 337.106, Florida Statutes, and Rule Chapter 14-116, F.A.C., can be provided to the applicant in a minimum amount of \$250,000.

(4) Procedure.

(a) Within 30 days after receipt of a completed Request for Qualification Package for Professional Consultants, the Department shall examine the application and notify the applicant in writing of any apparent errors or omissions, and request any additional information required by the Department to properly evaluate the application. The applicant shall submit any requested information to the Department within 30 days of receipt of the Department's request for such information. The Department shall process the application within 30 days after receipt of the requested additional information or correction of apparent errors or omissions. If the information is not provided within 30 days after receipt of the request, the application shall be processed with the information provided.

(b) Upon receipt of a complete application the Department shall make such inquiries and investigations as deemed necessary to verify and evaluate the applicant's statements and determine competency for qualification.

(c) Information which the Department shall consider in determining whether a consultant is qualified to perform the types of work shall include:

1. Current license or registration as regulated by the State of Florida or national organizations, as appropriate.

2. Personnel with appropriate experience and training as detailed in the type of work qualifications.

3. Registration with the Florida Department of State, if the applicant is a corporation or limited partnership.

4. ~~Past performance on Department contracts. History of suspension for failure to maintain adequate type of work performance grades with the Department in specified types of work.~~

5. Integrity and responsibility, which shall include history of debarment or suspension from consideration for work with any other governmental entity.

6. History of conviction for contract crime pursuant to Section 337.165, Florida Statutes, and Rule 14-75.0071, F.A.C., by the applicant or its affiliate, including reapplication or reinstatement.

7. Employment of, or otherwise providing compensation to, any employee or officer of the Department.

8. Willfully offering an employee or officer of the Department any pecuniary or other benefit with the intent to influence the employee or officer's official action or judgment.

9. The acceptability of the supporting reimbursement rate overhead, accounting system, and insurance information.

(d) Audit reports are subject to review by the Department. The consultant will provide additional information and documentation upon request by the Department.

~~(e)(4)~~ If the Department intends to deny the application, or deny qualification for any type of work, the Department shall state in writing and with particularity the grounds or reasons for the denial, and shall inform the applicant of the right to a hearing pursuant to Section 120.57, Florida Statutes. Delivery of the Notice of Intent to Deny shall be made by certified mail, return receipt, to the address listed in the applicant's application for qualification.

(5) Period of Validity of Qualification. The period of qualification will be no more than one year and will expire annually six months after the end of the consultant's fiscal year. Application for renewal must be received by the Department no later than five months after the end of such fiscal year. Should the applicant be found to possess the prescribed qualification, the consultant will be randomly assigned a qualification expiration date, by which qualification must be renewed annually.

(6) Changes in Qualification Status.

(a) A consultant shall submit a revised application in the event a change in the status of its firm occurs, including a change of ownership, a change in the form of the business entity under which the firm operates, a substantial change in any of the staff used to qualify manpower which affects the firm's qualifications to perform any type of work, or any other change which affects an element the Department considers under Rule 14-75.0022, F.A.C., when initially qualifying consultants. A revised application may be the basis for notice of agency action under Rule 14-75.0051, F.A.C.

(b) A consultant need not submit a revised application solely because of any change in the officers or the name of a corporation, but such information shall be certified to the Department within ten days of its occurrence.

(7) A consultant may apply for qualification up to three months prior to the expiration of an existing qualification.

Specific Authority 287.055, 334.044(2), 337.105 FS. Law Implemented 287.055, 337.107, 337.1075, 337.167 FS. History--New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 8-5-96, 1-17-99, 8-2-01, 4-29-03, 6-15-04.

14-75.003 Minimum Technical Qualification Standards by Type of Work.

~~In the Request for Qualification Package, the consultant will certify the standard types of work for which the consultant meets the minimum qualification requirements as stated in this section.~~ The Department will periodically audit a sampling of qualified consultants to ensure compliance with the qualification requirements, and consultants found to misrepresent their qualifications will be subject to suspension of qualifications with the Department in accordance with Rule 14-75.0051, F.A.C. The following criteria apply to the qualification of professional consultants:

(1) No professional or key personnel may be listed as employees of more than one consultant currently qualified with the Department. If a newly listed employee has been employed by a consultant currently qualified with the Department, within the 12 months immediately preceding the application, the application must so indicate and provide the date that such employee was hired by the consultant. The employee shall be deleted from the personnel list of the previous employer's firm, and if such deletion affects the qualification status of the previous employer, notice shall be given to said previous employer pursuant to Rule 14-75.0051, F.A.C.

(2) The Department shall not recognize joint ventures for purposes of qualifying consultants to work for the Department. Each individual or firm will be annually qualified based upon individual or firm capability.

(3) Appropriate type of work codes will be included in each public notice regarding needed professional services. Persons or firms responding to such notices must be qualified with the Department in the advertised types of work, unless otherwise specified in the notice. Subconsultants qualified with the Department may be used to meet the above requirements, where appropriate, so long as the responding consultant is also qualified with the Department in some standard type of work.

(4) All personnel listed by the consultant in order to qualify for any type of work or sub-category must be bona fide employees of the firm, or under exclusive contract to the firm, must be actively engaged in the type of work for which they are listed, and must have work experience demonstrating an ability to perform the activities normally associated with the particular type of work or sub-category for which qualification

is sought. The Department must be notified within 10 days of the departure from the firm of personnel used to prequalify the firm in any type of work.

(5) Qualification may be sought in any of the following categories or sub-categories:

(a) Group 2. Project Development and Environmental (PD&E) Studies.

1. Type of Work. This work group involves the study and evaluation of the social, economic, and environmental effects on the human and natural environment by transportation systems and alternate transportation modes in meeting identified community transportation and growth needs. Such work also includes the evaluation of alternate transportation corridors, and location/design alternatives within viable corridors. The work involves preparing engineering studies to address economic and engineering feasibility of alternatives, level of service, traffic capacity, geometrics, soils, structures, intersection and interchange improvements, etc., to accommodate travel demand at an acceptable level of service. Additionally, the work entails the detailed study and preparation of environmental reports and documents which evaluate the physical, natural, social, cultural, economic, and human impacts of the alternatives under consideration upon the adjacent community. Public involvement and interagency coordination are integral parts of the assessment process. Potential mitigations that are identified in the studies and public involvement are evaluated and incorporated into the alternatives as appropriate.

2. Qualification Requirements. Group 2: PD&E Studies. This work group requires a professional engineer, a natural scientist, and a social scientist. The professional engineer must be registered with the Florida State Board of Professional Engineers and must have managed and completed at least one PD&E study or similar study, including roadway design and environmental engineering. This experience must include conducting environmental studies for transportation projects involving highway projects and public involvement issues. The natural scientist must have a four-year university or college degree and experience in a natural science such as ecology, biology, environmental science, or wildlife management and have completed at least one PD&E study or similar study in a natural science area such as defined above. The social scientist must have a four-year university or college degree and experience in a social science such as psychology, sociology, statistics, political science, geography, urban planning demographics, archeology, or economics and have completed at least one PD&E study or similar study in a social science area such as defined above.

(b) Group 3. Highway Design – Roadway. This work group involves the production and/or review of highway plans, related design studies, creative utilization of roadsides, and the accommodation of utilities and utility crossings (where

appropriate), which conform with acceptable design standards and which meet the specific requirements of the Department or the Federal Highway Administration.

1. This group includes the following sub-categories of qualification:

a. Type of Work 3.1: Minor Highway Design. This type of work includes roadway design for rural RRR and minor widening and resurfacing projects which do not involve major reconstruction, new curb and gutter, or substantial capacity improvements. This work type also includes interstate projects involving resurfacing only. Projects of this type generally involve minor drainage, utility relocation, traffic operations improvements, miscellaneous design services, etc.

b. Type of Work 3.2: Major Highway Design. This type of work includes roadway design for all urban highways with new curb and gutter and new or major reconstruction rural projects with substantial capacity improvements such as adding two or more lanes. Projects of this type generally include utility relocation plans, drainage design and permitting, maintenance of traffic plans, traffic engineering applications, intersection details, etc.

c. Type of Work 3.3: Controlled Access Highway Design. This type of work includes design of new and complex reconstruction projects on controlled access facilities including interstates, interchanges, and expressways. Projects of this type generally include the use of complex geometrics, substantial drainage evaluation and design features, permitting, traffic engineering applications, utility relocation plans, maintenance of traffic plans, interchange design, etc.

## 2. Qualification Requirements.

a. Type of Work 3.1: Minor Highway Design. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having proficiency in civil engineering and at least one year of post-registration experience in the design and preparation of plans for highways.

b. Types of Work 3.2 and 3.3: Major Highway Design and Controlled Access Highway Design. These types of work require at least two professional engineers, registered with the Florida State Board of Professional Engineers, having proficiency in civil engineering and at least two years of post registration experience in the design and preparation of plans for highways, one year of which must be in the category for which qualification is sought.

(c) Group 4. Highway Design – Bridges. This work group involves the production and/or review of competently engineered bridge plans which conform with acceptable design standards and which meet the specific requirements of the Department or the Federal Highway Administration.

1. This group includes the following sub-categories of qualification:

a. Type of Work 4.1: Miscellaneous Structures and Minor Bridge Design. This type of work is subdivided into two categories.

(I) Type of Work 4.1.1: Miscellaneous Structures and Minor Bridge Design. This group is subdivided into two categories:

(II) Type of Work 4.1.2: Minor Bridge Design. This type of work includes the design of conventional, non-complex bridges and the structural design of other highway-related structures such as non-standard concrete box culverts and retaining walls. Generally, this group is limited to designs utilizing conventional foundation types, simple geometry, and having total estimated bridge(s) plan area(s) no greater than 100,000 square feet (sum of the areas of multiple bridges). Typically, this includes design for the construction, rehabilitation, widening, or lengthening of box culverts, retaining walls, cast-in-place or precast prestressed short span slab type bridges, simple span prestressed concrete beam bridges, and simple span I-beam bridges.

b. Type of Work 4.2: Major Bridge Design. This type of work includes the design of structures that cannot be included in Type of Work 4.1 because of deck area, ~~or~~ complex geometry (curvature, skew, or variable width), complexity of design (including bridges with statically indeterminate superstructure components) with spans estimated to be less than ~~400~~ 300 feet, non-conventional substructures, substructures requiring ship impact design, bridges over navigable waters, and railroad bridges. This type of work is subdivided into three categories: Typically, this includes design for the construction, rehabilitation, widening, or lengthening of bridges over navigable waters, bridges carrying rail traffic, steel box girders, structurally continuous superstructures, longitudinally post tensioned concrete bridges, and curved girder bridges.

(I) Type of Work 4.2.1: Major Bridge Design – Concrete: This group includes design for construction, rehabilitation, widening, or lengthening of structurally continuous concrete superstructures (longitudinally post-tensioned concrete beam bridges, etc.), reinforced concrete boxes, and post-tensioned substructures.

(II) Type of Work 4.2.2: Major Bridge Design – Steel: This group includes design for the construction, rehabilitation, widening, or lengthening of structurally-continuous steel superstructures (steel box girders, curved steel girder bridges, etc.)

(III) Type of Work 4.2.3: Major Bridge Design – Segmental: This group includes design for the construction, rehabilitation, widening, or lengthening of precast or cast-in-place concrete segmental superstructures or substructures.

c. Type of Work 4.3: Complex Bridge Design. This type of work includes the structures that cannot be included in Type of Work 4.1 or 4.2 because of design of unique, specialized, and

uncommon types of designs as determined by the Department. Typically, this includes design for the construction, rehabilitation, widening, or lengthening of bridges with estimated span(s) longer than 400 300 feet, tunnels, cable-stayed bridges, suspension bridges, ~~steel~~ truss spans, concrete arch bridges, and bridges requiring unique analytical methods or other design features not commonly addressed in AASHTO publications. This type of work is separated into two categories:

(I) Type of Work 4.3.1: Complex Bridge Design – Concrete: This group includes design for the construction, rehabilitation, widening, or lengthening of concrete superstructures of the structure types listed in this category.

(II) Type of Work 4.3.2: Complex Bridge Design – Steel: This group includes design for the construction, rehabilitation, widening, or lengthening of steel superstructures of the types listed in this category.

d. Type of Work 4.4: Movable Span Bridge Design. This type of work includes the design of bascule bridges and other movable bridges. The work includes all structural, electrical, and mechanical requirements. Typically, this includes design for the construction, rehabilitation, widening, or lengthening of bascule bridges, swing bridges, and vertical lift bridges.

2. Qualification Requirements. Qualification will be assessed from the résumés of individuals employed by the firm. The résumés must state which bridge components were actually designed by the individual. General oversight or project management activities will not be considered for qualification purposes.

a. Type of Work 4.1.1: Miscellaneous Structures. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of structural experience, designing items such as sound barriers, structural supports for highway signs, luminaries, and traffic signals, or in bridge design; and two structural design engineers/technicians having a minimum of three years each of design experience, either designing items such as sound barriers, structural supports for highway signs, luminaries, and traffic signals, or in bridge design. The qualifying professional engineer(s) shall be responsible for quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

b. Type of Work 4.1.2: Minor Bridge Design. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years structural bridge design experience; and two structural design engineers/technicians having a minimum of three years each of bridge design experience. The professional engineer shall be responsible for quality assurance of all the design services.

c. Type of Work 4.2.1: Major Bridge Design – Concrete. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of structural bridge design experience in continuous span concrete bridges as defined for Work Group 4.2.1: Major Bridge Design – Concrete, excluding segmental bridges or qualified as required in Work Group 4.2.3: Major Bridge Design – Segmental and additional two years of design experience in continuous span concrete bridges as defined for Work Group 4.2.1: Major Bridge Design – Concrete; and three or more structural design engineers/technicians having a minimum of three years each of bridge design experience. (steel plate girder and box girder); post-tensioned continuous concrete spans, and foundations subject to significant lateral loads; and three or more structural design engineers/technicians having a minimum of three years each of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved.

d. Type of Work 4.2.2: Major Bridge Design – Steel. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of structural bridge design experience in continuous span steel bridges as defined in Work Group 4.2.2: Major Bridge Design - Steel and three or more structural design engineers/technicians having a minimum of three years of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

e. Type of Work 4.2.3: Major Bridge Design – Segmental. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of structural bridge design experience in continuous span segmental concrete (precast or cast-in-place) bridges as defined in Work Group 4.2.3 Major Bridge Design – Steel and three or more structural design engineers/technicians having a minimum of three years of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

f. Type of Work 4.3.1: Complex Bridge Design – Concrete. This type of work requires at least three professional engineers, registered with the Florida State Board of

Professional Engineers, having a minimum of five years each of structural concrete bridge design experience in categories as defined listed in Work Group 4.3.1: Complex Major Bridge Design – Concrete, as well as spans estimated to be greater than 300 feet consisting of steel truss or arch, or steel or concrete cable-stayed and suspension type structures; and four or more structural design engineers/technicians having a minimum of three years each of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

g. Type of Work 4.3.2: Complex Bridge Design – Steel. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each of structural steel bridge design experience in categories as defined in Work Group 4.3.2: Complex Bridge Design - Steel and three or more structural design engineers/technicians having a minimum of three years of bridge design experience. The qualifying professional engineers shall be responsible for the quality assurance of all the design services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved. Certifications will be pursuant to Section 837.06, Florida Statutes.

h. Type of Work 4.4: Movable Span Bridge Design. This type of work requires qualification in type of work 4.2.2: Major Bridge Design – Steel, and also requires an electrical engineer and a mechanical engineer both registered with the Florida State Board of Professional Engineers. In addition to the experience requirements for type of work 4.2 4.2.2: Major Bridge Design – Steel, the professional engineers will have at least five years of movable bridge structural design experience and the three engineers/technicians shall have a minimum of three years of movable bridge design experience. At least one of the professional engineers or engineer/technicians will have experience in the design of at least three movable bridge electrical control systems within the last 10 years and one will have experience in the design of at least three movable bridge drive systems within the last 10 years. The electrical engineer will have experience in the design of at least three movable bridge electrical control systems within the last 10 years and experience with the commonly used bridge leaf motion control techniques used within the last 30 years. The mechanical engineer will have experience in the design of at least three movable bridge drive systems within the last 10 years and experience with the commonly used bridge drive systems used within the last 30 years. The qualifying professional engineers shall be responsible for the quality assurance of all the design

services and shall sign a letter of certification stating the project documents have been reviewed under the quality assurance process and that all issues are resolved.

(d) Group 5. Bridge Inspection. This work group is defined as the on-site inspection, load rating, and preparation of bridge inspection reports in accordance with approved federal and state statutes, policies, guidelines, and standards. Availability of required equipment will also be considered, along with level of experience in evaluating qualification.

1. This group includes the following sub-categories of qualification:

a. Type of Work 5.1: Conventional Bridge Inspection. This type of work includes inspection and load rating of all types of bridges except movable bridges, box girders, bulb-tees, suspension, cable stayed, post-tensioned segmental concrete, large steel trusses, high-rise structures, and other complex bridge structures.

b. Type of Work 5.2: Movable Bridge Inspection. This type of work includes inspection and load rating of all types of movable structures (vertical lift, swing span, and bascule), utilizing specialty skills in inspection, load rating, and design of mechanical and electrical equipment.

c. Type of Work 5.3: Complex Bridge Inspection. This type of work includes inspection and load rating of all complex bridges except movable bridges. Typical types of structures will include box girders, bulb-tees, suspension, cable stayed, post-tensioned segmental concrete, high-rise structures, and large steel trusses.

d. Type of Work 5.4: Bridge Load Rating. This type of work involves the process of determining the live load capacity of a structure.

2. Qualification Requirements. Types of work 5.1, 5.2, 5.3, and 5.4: Bridge Inspection. This type of work requires at least one professional engineer registered with the Florida State Board of Professional Engineers, having experience appropriate to the sub-category requested. For types of work 5.1, 5.2, and 5.3, the engineer must have participated in field inspections meeting the requirements of the National Bridge Inspection Standards, Appendix C to U.S. Department of Transportation Federal Highway Administration, *Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges*, Report No. FHWA-A-PD96-001, December 1995, incorporated herein by reference, for the structure types in the sub-category for which qualification is requested. For type of work 5.4, the engineer must have performed a load rating of a bridge.

(e) Group 6. Traffic Engineering and Operations Studies. This work group includes the performance of studies of existing traffic problems within an urban area; and the determination of the most effective way to improve traffic flow and safety through the application of traffic engineering techniques and other corrective measures. It includes street and signal inventories; intersection and crossing diagrams;

highway lighting information at nighttime high accident locations; and analysis of accident reports, traffic counts, travel times, parking practices, and laws and ordinances affecting transportation. This work group is limited to generalized description and schematic layouts of the proposed improvements, including right of way requirements, and generally does not include the preparation of construction plans and the writing of specifications for traffic system projects.

1. This group includes the following sub-categories of qualification:

a. Type of Work 6.1: Traffic Engineering Studies. This type of work is defined as the study of operational problems and the determination of traffic operational improvements for efficiency and safety. This work group includes studies for the following: signing, marking, and signal inventories; traffic counts; intersection and collision diagrams; signal warrant and intersection analysis; and travel time and delay studies. Many of the traffic engineering studies require knowledge and experience with traffic engineering computer programs such as SOAP, PASSER, and TRANSYT. This type of work requires the consultant to make specific recommendations to improve the operational efficiency at a particular location.

b. Type of Work 6.2: Traffic Signal Timing. This type of work is defined as the timing of traffic signals to improve traffic flow and safety. Department approved traffic engineering computerized timing programs shall be used. This type of work includes data collection, intersection analysis and documentation, section analysis and documentation, timing implementation and fine tuning, and timing evaluation.

c. Type of Work 6.3: Intelligent Transportation Systems Analysis, Design, and Implementation. This type of work is defined as the use of electrical engineering, electronics engineering, computer science, and traffic engineering to analyze, design, and implement real-time intelligent transportation systems. This includes system performance and cost analysis, system hardware and software design, development of management plans, system installation and operation, system testing and debugging, system documentation, and the training of operations personnel. This work Type is subdivided into four categories: Type of Work 6.3.1: Intelligent Transportation Systems Analysis and Design, Type of Work 6.3.2: Intelligent Transportation Systems Analysis and Design, Type of Work 6.3.3: Intelligent transportation Systems Communications, and Type of Work 6.3.4: Intelligent Transportation Systems Software Development.

2. Qualification Requirements.

a. Type of Work 6.1: Traffic Engineering Studies. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having at least two years of post-registration traffic studies experience.

b. Type of Work 6.2: Traffic Signal Timing. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having demonstrated traffic signal timing experience in the application and interpretation of traffic flow and signal timing models.

c. Type of Work 6.3: Intelligent Transportation Systems Analysis, Design, and Implementation. This type of work requires a professional engineer, registered with the Florida State Board of Professional Engineers, having at least three years of post-registration experience in the technical skill area for which qualification is requested. These technical skill areas are as follows:

(I) Type of Work 6.3.1: Intelligent Transportation Systems Analysis and Design. This type of work requires experience involving the production of competently engineered design, and preparation of construction plans and specifications for traffic control systems, freeway operations systems, dynamic message sign systems, closed circuit television camera systems, detection systems, and automatic vehicle identification systems. The experience must also involve traffic engineering software applications, freeway control software, and computerized timing programs.

(II) Type of Work 6.3.2: Intelligent Transportation Systems Implementation. This type of work requires experience involving realtime traffic control systems, system installation and testing, and knowledge of Construction Engineering Inspection (CEI) requirements for intelligent transportation construction projects.

(III) Type of Work 6.3.3: Intelligent Transportation Traffic Engineering Systems Communications. This type of work requires documented experience involving electronic engineering of system hardware, digital system design, specifications, and utilization. The experience must involve electrical engineering of power and communications, including power distribution, standby power supply, lightning protection, hardware interconnect, fiber optic networks, wireless communications networks, local area networks, wide area networks, Internet communications, data recording, data transmission, modulating, and multiplexing techniques.

(IV) Type of Work 6.3.4: Intelligent Transportation Systems Software Development. This type of work requires documented experience in software development, specifically with intelligent transportation systems applications, and computer science (realtime process control software systems, including realtime executive Input/Output (I/O) processing and priority interrupt based processing). The experience must also involve system software testing and debugging, data base software, graphical user interfaces, system documentation, and training of operations personnel.

(f) Group 7. Traffic Operations Design. This work group is defined as the production of competently engineered designs, and preparation of construction plans and specifications for a variety of traffic operations type work.

1. This group includes the following sub-categories of qualification:

a. Type of Work 7.1: Signing, Pavement Marking, and Channelization. This type of work includes designing, preparing construction plans, and writing specifications for signing, pavement marking, and channelization. Such work involves structural support and foundation calculations, and requires a basic knowledge of traffic engineering studies.

b. Type of Work 7.2: Lighting. This type of work includes designing, preparing construction plans, and writing specifications for roadway lighting improvements. Such work involves lighting calculations, pole location, foundation design, electrical circuit calculations, and power supply and distribution design, and requires a basic knowledge of traffic engineering studies.

c. Type of Work 7.3: Signalization. This type of work includes designing, preparing construction plans, and writing specifications for traffic signalization. Such work involves capacity calculations, signal operating plan development, timing calculations, equipment location, pole and foundation designs, etc., and requires a basic knowledge of traffic engineering studies and traffic signal retiming.

2. Qualification Requirements. Qualification for this work group requires a professional engineer, registered with the Florida State Board of Professional Engineers, who has served in responsible charge of at least one project in the type of work, as defined above, for which qualification is requested.

(g) Group 8. Surveying and Mapping. This work group includes surveying and mapping, as defined in Rule Chapter 61G17-6, F.A.C., required for the land acquisition, design, and construction of transportation projects.

1. This group includes the following sub-categories of qualification:

a. Type of Work 8.1: Control Surveying. This type of work provides horizontal and vertical control to a specified standard for Department projects.

b. Type of Work 8.2: Design, Right of Way, and Construction Surveying. This type of work includes boundary surveys, right of way surveys, as-built surveys, construction layout surveys, topographic surveys, hydrographic surveys, quantity surveys, record surveys, mean high water line surveys, and special purpose surveys.

c. Type of Work 8.3: Photogrammetric Mapping. This type of work includes surveys and the preparation of maps using photogrammetric methods.

d. Type of Work 8.4: Right of Way Mapping. This type of work includes the production of right of way related maps, as well as the preparation of legal descriptions and sketches of legal descriptions based on information supported by the applicable surveys or maps defined in the preceding types of work, title searches, and other documents.

2. Qualification Requirements: To qualify to perform surveying and mapping services as defined above, the consultant must employ at least one professional surveyor and mapper, registered with the Florida Board of Professional Surveyors and Mappers, having at least one year of documented post registration experience in the specific type of work for which qualification is requested. The consultant must also employ at least two additional technical personnel, each having at least one year of documented experience in the specific type of work for which qualification is requested. In addition, the consultant must submit a written statement of intent to use equipment and software meeting the accuracy, formatting, and other requirements defined in Department policies, procedures, manuals, or handbooks, related to the type(s) of work for which qualification is sought.

(h) Group 9. Soil Exploration, Material Testing, and Foundations.

1. This group includes the following sub-categories of qualification:

a. Type of Work 9.1: Soil Exploration. This type of work includes acquisition and reporting of subsurface material, hydrological, and environmental information to be used for the planning, design, construction, and performance of transportation facilities. The methodology involved includes on-site investigations by performing borings, Standard Penetration tests, Cone Penetration tests, and rock coring; the use of specialized test equipment, such as the field vane, pressuremeter, or dilatometer; and the use of geophysical methods. Also included is the field classification of materials and acquisition of soil and rock samples.

b. Type of Work 9.2: Geotechnical Classification Lab Testing. This type of work includes conducting tests on soil and rock according to Department approved specifications for the purpose of classifying materials. The methodology involved includes testing moisture content, grain size, Atterberg limits, compaction, and Limerock Bearing Ratio (LBR) tests.

c. Type of Work 9.3: Highway Materials Testing. This type of work includes sampling and testing various materials and reporting results and recommendations. Work will be performed at mines, quarries, mills, refineries, processors, producers, fabricators, constructors, laboratories, and project construction sites; some of which will be outside the State of Florida. Materials to be tested include aggregates; concrete products; cements and additives, including water, epoxies, and curing compounds; bituminous materials, mixtures, additives, and joint fillers; metals; galvanizing, rubber, paints, and other coatings; and soils and limerock.

d. Type of Work 9.4: Foundation Studies. This group is subdivided into two categories:

(I) Type of Work 9.4.1: Standard Foundation Studies: This type of work includes producing reports which include selection of the type (shallow foundations ~~footings~~, piles, and



redundant drilled shafts,—etc-) and depth of foundation for bridges and other structures; bearing capacity and the predicted settlement of the selected foundation; slope stability; surcharge or stage construction time schedules for construction over soft ground; pile load tests; soil treatment; stabilization; and direction of field instrumentation installation, including the interpretation of data obtained and other foundation studies using the applicable Department Standard Specifications for Road and Bridge Construction, and Federal Highway Administration guidelines and checklist.

(II) Type of Work 9.2.2: Non-redundant Drilled Shaft Bridge Foundation Studies. This type of work includes the work activities described in Type of Work 9.4.1: Standard Foundation Studies and, in addition, the complex geotechnical analyses required for the design and construction of non-redundant drilled shaft bridge foundations.

e. Type of Work 9.5: Geotechnical Specialty Lab Testing. This type of work includes conducting tests on soil and rock according to Department approved specifications for the purpose of identifying their physical properties. The methodology involved includes testing permeability, consolidation, unconfined compression, direct shear, splitting tensile, and triaxial.

2. Qualification Requirements. For all sub-categories this work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in the activities normally associated with the category(ies) under consideration.

a. Type of Work 9.1: Soil Exploration. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with soil exploration. The consultant must have equipment (in-house or subcontracted) necessary to perform the work. It should be noted that the qualified consultant shall be solely responsible for any and all explorations work, whether performed by the consultant or its subcontractor.

b. Type of Work 9.2: Geotechnical Classification Lab Testing. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with geotechnical testing. The consultant must have at least one technician with a minimum of two years of experience in geotechnical testing and LBR Technician qualification under the Department’s Construction Training Qualification Program. In addition, the consultant must have in-house the following equipment: oven, balance, stirring apparatus, hydrometer bulb, hydrometer bath, thermometer, sieves, sieve shaker, liquid limit device, grooving tool, pycnometer, molds, compaction hammer, straightedge, and LBR loading device with penetration piston.

c. Type of Work 9.3: Highway Materials Testing. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with highway materials testing. Among the consultant’s personnel, at least one individual must possess LBR Technician qualification, one individual must possess Asphalt Plant Level I qualification, one individual must possess Concrete Field testing Technician Level I qualification under the Department’s Construction Training Qualification Program, and one individual must possess nuclear gauge operator certification as provided by a gauge manufacturer. In addition, the consultant must have (in-house) at least the following test equipment: oven, balances, sieves, mechanical shaker, colorimetric kit, compression testing machine, moisture curing room or tanks, slump cone, air meters, gravity apparatus, thermometers, pycnometer, pulverizing apparatus, jaw crusher apparatus, splitter or quartering device, Los Angeles machine, flowmeter, water bath, muffle furnace, compaction hammer, molds LBR loading devices with penetration piston, soak tanks, and ignition furnace.

d. Type of Work 9.4: Foundation Studies.

(I) Type of Work 9.4.1: Standard Foundation Studies. This type of work requires one professional engineer, registered with the Florida State Board of Professional Engineers, having a minimum of five years of experience in activities normally associated with standard foundation studies.

(II) Type of Work 9.4.2: Non-redundant Drilled Shaft Bridge Foundation Studies. This type of work requires qualification in Type of Work 9.4.1: Standard Foundation Studies, and, in addition, two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of three years of experience each in activities normally associated with non-redundant drilled shaft foundation design. The qualifying professional engineers shall be responsible for the quality assurance of the design services, and shall sign a letter of certification stating that the project documents have been reviewed under the quality assurance process, and that all issues are resolved.

~~(III) Type of Work 9.5: Geotechnical Specialty Lab Testing.~~ The consultant must have at least one staff member with at least four years of experience performing the tests, or an equivalent bachelor’s degree. In addition, the consultant must have (in-house) at least the following test equipment: oven, balances, permeameter, consolidation load device, load frame, direct shear machine, triaxial panel, and a triaxial cell.

(i) Group 10. ~~CEI Construction Engineering Inspection.~~ This type of work group involves the monitoring and inspection of the work required under various construction contracts. This type of work includes coordinating with other public agencies, utilities, and affected property owners.

1. This group includes the following subcategories of qualification:

a. Type of Work 10.1: Roadway ~~CEI Construction Engineering Inspection~~. This type of work includes the administration and inspection of single or multiple construction contracts on rural, municipal, urban, and interstate facilities; including necessary minor bridges as defined in Type of Work 3.1.

b. Type of Work 10.2: ~~Reserved. Major Bridge Construction Engineering Inspection~~. This type of work includes the administration and inspection of single or multiple construction contracts involving the construction of major bridges as defined in Types of Work 4.2, 4.3, and 4.4.

c. Type of Work 10.3: Construction Materials Inspection. This type of work includes conducting inspections and investigations of various highway materials or products, together with the proper recording, analysis, and reporting of results and recommendations. The work will be performed at mines, quarries, mills, refineries, processors, producers, fabricators, constructors, and project construction sites; some of which will be outside the State of Florida.

d. Type of Work 10.4: Major Bridge CEI. This type of work includes the CEI of conventional non-standard concrete box culverts, retaining walls, sound barriers, structural supports for highway signs, luminaries, and traffic signals. Generally, this group of structures is limited to conventional foundation types, simple geometry, and having total estimated bridge(s) plan area(s) no greater than 100,000 square feet (sum of the areas of multiple bridges). Typically, this includes the construction, rehabilitation, widening, or lengthening of box culverts, retaining walls, cast-in-place or precast prestressed short span slab type bridges, simple span prestressed concrete beam bridges, and simple span I-beam bridges.

e. Type of Work 10.5: Major Bridge CEI. This type of work includes CEI of structures that cannot be included in Type of Work 10.4 because of deck area, complex geometry (curvature, skew, or variable width), complex design (including bridges with statically indeterminate superstructure components) with spans estimated to be less than 400 feet, non-conventional substructures, bridges over navigable waters, and railroad bridges. This group is separated into three categories:

(I) Type of Work 10.5.1: Major Bridge CEI – Concrete. This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of structurally-continuous concrete superstructures (longitudinally post-tensioned concrete beam bridges, etc.), reinforced concrete boxes, and post-tensioned substructures.

(II) Type of Work 10.5.2: Major Bridge CEI – Steel. This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of structurally-continuous steel superstructures (steel box girders, curved steel girder bridges, etc.).

(III) Type of Work 10.5.3: Major Bridge CEI – Segmental. This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of precast or cast-in-place concrete post-tensioned segmental superstructures or substructures.

f. Type of Work 10.6: Movable Span Bridge CEI: This type of work includes the CEI of structures that cannot be included in Type of Work 10.5.1 or 10.5.2 because of unique, specialized, or uncommon types of designs. Typically, this includes the construction, rehabilitation, widening, or lengthening of bridges with estimated span(s) longer than 400 feet, tunnels, cable-stayed bridges, suspension bridges, truss spans, arch bridges, and bridges requiring unique analytical methods or other design features not commonly addressed in AASHTO publications. This group is separated into two categories:

(I) Type of Work 10.6.1: Complex Bridge CEI – Concrete: This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of concrete superstructures of the structure types listed in Type of Work 10.6.

(II) Type of Work 10.6.2: Complex Bridge CEI – Steel: This type of work includes CEI for the construction, rehabilitation, widening, or lengthening of steel superstructures of the structure types listed in Type of Work 10.6.

g. Type of Work 10.7: Movable Span Bridge CEI: This type of work includes the CEI of bascule bridges and other movable bridges. The work includes all structural, electrical, and mechanical requirements. Typically, this includes CEI for the construction, rehabilitation, widening, or lengthening of bascule bridges, swing bridges, and vertical lift bridges.

## 2. Qualification Requirements.

a. Type of Work 10.1: Roadway ~~CEI Construction Engineering Inspection~~. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least two years of responsible charge experience as a project engineer on a roadway construction inspection project.

b. Type of Work 10.2: ~~Reserved. Major Bridge Construction Engineering Inspection~~. This type of work requires a minimum of three professional engineers, registered with the Florida State Board of Professional Engineers. One of these engineers must have at least five years of demonstrated major bridge construction inspection experience.

c. Type of Work 10.3: Construction Materials Inspection. This type of work requires a minimum of one professional engineer, registered with the Florida State Board of Professional Engineers, having at least three years of responsible experience in bridge or roadway construction inspection.

d. Type of Work 10.4: Minor Bridge and Miscellaneous Structures CEI. This type of work requires at least one professional engineer, registered with the Florida State Board

of Professional Engineers, having a minimum of five years experience in the performance of CEI for Type of Work 10.4; and two engineers/project administrators having a minimum of three years each CEI for Type of Work 10.4.

e. Type of Work 10.5.1: Major Bridge CEI – Concrete. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each in the performance of CEI for Type of Work 10.5.1 in continuous span concrete bridges as defined in Type of Work 10.5.1, excluding segmental bridges, or qualified as required in work group 10.5.3 with one additional year of CEI experience in continuous span concrete bridges as defined in Type of Work 10.5.1, three or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.2.

e. Type of Work 10.5.2: Major Bridge CEI – Steel. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each in the performance of CEI for Type of Work 10.5.2 in continuous span steel bridges as defined for Type of Work 10.5.2 above and three or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.2.

f. Type of Work 10.5.3: Major Bridge CEI – Segmental. This type of work requires at least two professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years each in the performance of CEI for Type of Work 10.5.3 in continuous span post-tensioned segmental concrete (precast or cast-in-place) bridges as defined for Type of Work 10.5.3 and three or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.3.

g. Type of Work 10.6.1: Complex Bridge CEI – Concrete. This type of work requires at least three professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years experience each in the performance of CEI for Type of Work 10.6.1 in categories as defined in Type of Work 10.6.1 and four or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.5.1.

h. Type of Work 10.6.2: Complex Bridge CEI – Steel. This type of work requires at least three professional engineers, registered with the Florida State Board of Professional Engineers, having a minimum of five years experience each in the performance of CEI for Type of Work 10.6.2 and four or more engineers/technicians having a minimum of three years each in the performance of CEI for Type of Work 10.6.2.

i. Type of Work 10.7: Movable Span Bridge CEI. This type of work requires qualification in Type of Work 10.5.2 and also requires an electrical engineer and a mechanical engineer both registered with the Florida State Board of Professional

Engineers. In addition to the experience requirements for Type of Work 10.5.2, the professional engineers will have at least five years of experience in the performance of CEI for Type of Work 10.7 and three engineers/technicians shall have a minimum of three years of movable bridge experience in the performance of CEI for Type of Work 10.7. At least one of the professional engineers or engineer/technicians will have experience in CEI of at least three movable bridges electrical control systems within the last 10 years and one will have experience in CEI of at least three movable bridge drive systems within the last 10 years. The electrical engineer will have experience in CEI of at least three movable bridge electrical control systems within the last 10 years and experience with the commonly used bridge leaf motion control techniques used within the last 30 years. The mechanical engineer will have experience in CEI of at least three movable bridge drive systems within the last 10 years and experience with the bridge drive systems commonly used within the last 30 years.

(j) Group 11. Engineering Contract Administration and Management.

1. Type of Work: Engineering Contract Administration and Management. This type of work is defined as the administration and management of engineering activities. Consultants applying for qualification in this type of work must be determined qualified in a number of categories under this rule chapter. Examples of assignments made to a consultant qualified for this type of work are:

a. Engineering analysis of transportation facility deficiencies; and the preparation of an engineering scope of services and staff hour estimate to correct those deficiencies.

b. Project schedule development for planning, environmental, design, and construction engineering inspection activities.

c. Review and analysis of professional engineering issues contained in statements of qualification and technical proposals submitted by consultants competing for professional contracts.

d. Conduct Scope of Service meetings with professional consultants.

e. Preparation of contractual agreements for professional services in accordance with Department policies and procedures.

f. Supervision and management of engineering consultants on individual projects, responding to their technical questions, and reviewing their work in progress and completed work.

g. Representing the Department during professional service negotiations with consultants, utilities, and other entities.

h. Other professional engineering activities associated with the acquisition and management of professional consulting services.

2. Qualification Requirements. Engineering Contract Administration and Management. To be determined qualified for this type of work, a consultant must be qualified by the Department in the following Groups and Types of Work under this rule chapter: Group 3, Types of Work 4.1.1, 4.1.2, 4.2.1, 4.2.2 ~~4.1, 4.2~~, and 6.1, Group 7, and Type of Work 10.1. Firms deemed qualified in these groups and requesting qualification for Group 11 will be deemed qualified without a requirement to submit additional qualification documentation or materials.

(k) Group 13. Planning. This type of work ~~group~~ involves the determination of future actions necessary to address the need for transportation facilities and services. The work effort may involve planning both short range (up to 10 years) and long range (more than 10 years) time periods, and may involve any or all typical activities of planning, including development and refinement of processes and procedures; development and analysis of policies, goals, and objectives; data collection and analysis; issue analysis; development and use of forecasting and other models; analysis of transportation/land use relationships; assessing the impact that planning transportation improvements may have on private property; establishment of standards and performance criteria; forecasts of transportation and transportation related data; determination and analysis of alternatives; multimodal/intermodal tradeoff analysis; analysis of alternatives; multimodal/intermodal tradeoff analysis; development of recommended plans and courses of action; financial feasibility; assessment of the impacts of growth management requirements on transportation; and public participation and coordination with other planning processes and plans.

1. This group includes the following sub-categories of qualification:

a. Type of Work 13.1: Reserved.

b. Type of Work 13.2: Reserved.

c. Type of Work 13.3: Policy Planning. This type of work involves transportation and transportation related planning activities in the broadest or most general way. Planning in this sub-category usually occurs at levels where difficult trade-offs in the use and allocation of resources must be made and where many people will be affected in important but often subtle ways. Hence, the ability to use judgement, both political and technical/professional, is very important, as is the ability to effectively communicate using a variety of media. Included in this sub-category are development and refinement of statewide transportation plans or plan components, and activities involving the determination of the impacts and implications of policies, legislative issues, processes, and standards on a wide variety of subjects, including: transportation facilities and services; land use; the environment; the private sector; and the public.

d. Type of Work 13.4: Systems Planning. This type of work deals with planning for entire systems (one or several modes) of transportation covering an entire geographic area

such as the development of long range transportation plans for an MPO, county, or region; or the development of an ITS Strategic Plan for a region. Included in this sub-category are activities involving the systematic analysis of future demand for transportation facilities and services, leading to recommendations for addressing that demand. Typical activities include: data collection and analysis, including analysis of transportation/land use relationships; estimation, forecasting, and assignment of travel demand, including modeling the characteristics and use of transportation systems; mode split and multimodal tradeoff analysis; development of ITS strategies; impact analysis; evaluation and decision making; cost analysis and financial feasibility; and modal coordination and management. Although recommendations as to the type, number, and approximate location of transportation facilities are to be made, this sub-category does not include determination of the precise location or design of facilities or systems.

e. Type of Work 13.5: Subarea/Corridor Planning. This type of work deals with planning for entire systems or portions of systems (one or several modes) of transportation covering a smaller geographic area than Systems Planning or for a specific transportation corridor. Included in this sub-category are activities involving the systematic analysis of future demand for transportation facilities and services, leading to recommendations for addressing that demand. Typical activities, usually performed at a more detailed level than with systems planning, include data collection and analysis, as well as: analysis of transportation/land use relationships; estimation, forecasting, and assignment of travel demand, including modeling the characteristics and use of transportation systems; mode split and multimodal tradeoff analysis; development of ITS strategies to maximize the operation of the corridor; impact analysis; evaluation and decision making; cost analysis; and financial feasibility; and modal coordination and management. Although recommendations as to the type, number, and approximate location of transportation facilities are to be made, this sub-category does not include determination of the precise location or design of facilities or systems.

f. Type of Work 13.6: Land Planning/Engineering. This type of work involves planning and engineering in support of assessing the impacts that proposed transportation improvements may have on private property. Included in this sub-category are activities involving site analysis for compliance with comprehensive plans, local ordinances, and appraisers' cost to cure; reviewing and providing engineering opinions of site plans for feasibility and conformance with applicable codes and regulations; assessing the impact to drainage and environment; and preparing site plan and studies which may encompass parking layout, vehicle use areas, and general site consideration in conformance with applicable codes, laws, and regulations.

g. Type of Work 13.7: Transportation Statistics. This type of work involves data collection, analysis, editing, processing, and reporting to support planning, design, and maintenance of the transportation network. This type of work also involves the construction, replacement, or repair of traffic monitoring equipment including sensors (either installed in, or along the roadway) and associated equipment and appurtenances. The construction of traffic monitoring sites may include design, preparing construction plans, writing specifications, and construction engineering supervision. Special traffic counts may also be performed under this activity to support production and development activities and special needs.

2. Qualification Requirements.

a. Type of Work 13.1: Reserved.

b. Type of Work 13.2: Reserved.

c. Type of Work 13.3: Policy Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least five years of training and experience in areas directly related to policy planning; or at least one professional engineer, registered with the Florida State Board of Professional Engineers, with at least one employed planner having training and experience in areas directly related to policy planning; or at least one planner, certified with the American Institute of Certified Planners, having training and experience in areas directly related to policy planning.

d. Type of Work 13.4: Systems Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least five years of training and experience in areas directly related to systems planning; or at least one professional engineer, registered with the Florida State Board of Professional Engineers with at least one employed planner having at least five years of training and experience in areas directly related to systems planning; or at least one planner, certified with the American Institute of Certified Planners, having at least five years of training and experience in areas directly related to systems planning.

e. Type of Work 13.5: Subarea/Corridor Planning. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least one year of post-registration experience in areas directly related to subarea/corridor planning; or at least one professional engineer, registered with the Florida State Board of Professional Engineers, with at least one employed planner having at least one year of experience in areas directly related to subarea/corridor planning; or at least one planner, certified with the American Institute of Certified Planners, having at least one year of experience in areas directly related to subarea/corridor planning.

f. Type of Work 13.6: Land Planning/Engineering. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional

Engineers, having a minimum of three years of experience in comprehensive planning or areas directly related to assessing impacts to private property; or at least one professional engineer, registered with the Florida State Board of Professional Engineers, with at least one employed planner having a minimum of three years of experience in comprehensive planning or areas directly related to assessing impacts to private property; or at least one landscape architect registered with the Florida State Board of Landscape Architecture, having training and experience in areas directly related to assessing impacts to private property. or at least one planner, certified with the American Institute of Certified Planners, with a minimum of three years of experience in comprehensive planning or areas directly related to assessing impacts to private property.

g. Type of Work 13.7: Transportation Statistics. This type of work requires at least one professional engineer, registered with the Florida State Board of Professional Engineers, having at least one year of post-registration experience in activities associated with the collection of traffic data of a statistical nature that can be used in the Department's databases such as the Rail-Highway Crossing Inventory (RHCI), Traffic Characteristics Inventory (TCI), and Roadway Characteristics Inventory (RCI), or used to support other Department activities such as highway design. In addition, either the same engineer, or an additional professional engineer registered with the State Board of Professional Engineers with at least one year of post-registration experience in the construction, replacement, or repair of traffic monitoring equipment, including sensors (either installed in, on, or alongside the roadway) and associated equipment and appurtenances, and maintenance of traffic is required.

(l) Group 14. Architect.

1. Type of Work. This type of work is defined as the rendering of services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning; providing preliminary study designs, drawings, and specifications; architectural supervision; job-site inspection; and administration of construction contracts.

2. Qualification Requirements. This type of work requires at least one architect, registered with the Florida State Board of Architecture and Interior Design, with a minimum of five years of post-registration experience in commercial design and favorable references.

(m) Group 15: Landscape Architect.

1. Type of Work. This type of work is defined as the rendering of services in connection with the design and construction of landscape projects. These services include planning; site planning; providing preliminary study designs,

drawings, and specifications; landscape architectural supervision; job-site inspection; and administration of construction contracts.

2. Qualification Requirements. This type of work requires at least one landscape architect, registered with the Florida State Board of Landscape Architecture, with at least five years of post-registration experience in landscape architecture projects.

(n) Group 20. Appraisal Services.

1. This type of work is defined as the services provided by an appraiser to the State of Florida Department of Transportation. Appraisal Services include: "Appraisal Assignment" in which a person is employed or retained to act as a disinterested third party in rendering objective and unbiased analyses, opinions, reviews, or conclusions relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real property. Such appraisal services must be in compliance with the Uniform Standards of Professional Appraisal Practice, as incorporated by reference in Section 475.628, Florida Statutes.

2. Qualification Requirements. This type of work requires a minimum of one person licensed as a State Certified General Real Estate Appraiser issued by the Florida Department of Business and Professional Regulation, with a minimum of three years experience in appraising for eminent domain purposes.

(o) Group 21. Acquisition, Negotiation, Closing, and Order of Taking.

1. Type of Work. This type of work involves notifying all affected parties of their rights pursuant to Section 73.015, Florida Statutes; reviewing and verifying all title work; reviewing right of way maps and construction plans and verifying that all legal descriptions, right of way maps, and appraisals correspond; conducting surveys to identify all businesses operating on property being acquired; preparing real property/personal property inventories; making purchase offers including the approved market value estimate, and conducting negotiations in accordance with state policies and procedures and all applicable laws; when applicable, making business damage counteroffers and conducting negotiations to settle business damage claims in accordance with state policies and procedures; participating in the non-binding pre-litigation mediation process; preparing recommendations for administrative settlements; preparing and processing invoices for requesting warrants for settlements, and order of taking deposits; conducting all necessary closings as well as preparation, styling, and filing of lawsuit packages under the direction of the Department's attorney; providing assistance to the Department's attorneys in obtaining Orders of Taking, including providing testimony and responding to interrogatories; and maintaining complete written documentation of all contacts with property owners or property owners' representatives.

2. Qualification Requirements. This type of work requires registration of the consultant with the Florida Real Estate Commission and, at a minimum, one real estate broker and one real estate salesperson licensed by the State of Florida Department of Business and Professional Regulation. These employees each must have at least three years of demonstrated experience in transportation acquisition projects.

(p) Group 22. Acquisition Business Damage Estimating and Estimate Review.

1. Type of Work. This type of work is defined as the preparation of business damage estimate reports describing the impact of a right of way acquisition on the income, expenses, and profits of a particular business, in accordance with the standards established in Rule Chapter 14-102, F.A.C., and all other recognized accounting and performance standards; and the critical and analytical review and evaluation of business damage estimate reports, exhibits, and other documentation submitted to the Department by the business damage estimator on behalf of the Department or business owners.

2. Qualification Requirements. This type of work requires a minimum of one employee, registered as a Certified Public Accountant in the State of Florida, with a minimum of three years of demonstrated professional accounting work, after registration. This type of work also requires the Certified Public Accountant to demonstrate previous experience in the preparation of accepted business damage estimate reports for the Department within the last three years immediately preceding application for qualification; or have served as an expert witness in the State of Florida in eminent domain cases or other legal cases regarding business valuation or damages within the last three years immediately preceding application for qualification; or a minimum of 48 hours of completed course work, directly related to business valuation. Verification of course work shall be by copies of course certificates of completion issued by the course provider which will indicate the number of hours that may be counted for continuing professional education credits.

(q) Group 24. Acquisition Relocation Assistance.

1. Type of Work. This type of work is defined as relocation planning at the conceptual stage of a transportation project and the preparation of the Relocation Needs Assessment Survey, identifying displaced persons and likely business damage candidates pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act and 49 C.F.R., Part 24. Advisory services, including personal interviews and coordination with displaced persons, must be provided to ensure the timely relocation to replacement properties. Relocation assistance also involves the delivery of all required notices and offers to owners and tenants, the location and offer of comparable decent, safe, and sanitary replacement dwellings available for sale or rent, the computation of replacement housing payments, the determination of appropriate move cost payments, the monitoring of moves, the preparation of claim

packages, invoicing of payment amounts, and delivery of warrants. The work also entails obtaining all information pertinent to evictions and relocation appeals, and includes providing testimony.

2. Qualification Requirements. This type of work requires a minimum of one full time employee with a minimum of three years of demonstrated current experience in administering and providing relocation assistance for transportation projects under the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act and 49 C.F.R., Part 24.

(r) Group 25. Right of Way Clearing and Leasing.

1. Type of Work: This type of work involves preparing real property/personal property inventories and inventory updates up to and including final disposition of the property; performing property inspections on an ongoing basis to determine the need for rodent control, maintenance, and security; conducting negotiations for short-term leases and preparing leasing documents for real and personal property prior to construction of a project; preparing, obtaining, managing, and reviewing contracts for consultant services to perform asbestos surveys, preparing asbestos operation and maintenance plans, preparing asbestos abatement specifications, and performing air and asbestos project monitoring; preparing, obtaining, and managing departmental contracts for asbestos abatement services; preparing, obtaining, and managing departmental contracts for demolition and removal services; inspecting demolition sites and documenting demolition activities; and preparing, obtaining, and managing Department contracts for removal of pollutant storage tanks.

2. Qualification Requirements. This type of work requires registration of the consultant with the Florida Real Estate Commission and, at a minimum, one real estate broker and one real estate salesperson licensed by the Florida State Department of Business and Professional Regulation. These employees each must have at least three years of demonstrated experience in managing properties acquired for transportation purposes and managing contracts for demolition activities. Additionally, at least one employee must be certified as an Asbestos Inspector and as an Asbestos Management Planner, and have a minimum of three years of administrative experience in the asbestos field.

Specific Authority 287.055, 334.044(2) FS. Law Implemented 287.055, 337.105, 337.1075 FS. History--New 6-30-73, Amended 3-24-77, 5-1-77, 8-31-77, 11-13-77, 9-20-83, 10-21-85, Formerly 14-75.03, Amended 3-29-89, 1-2-91, 9-29-92, 2-22-94, 8-5-96, 6-30-98, 8-2-01, 4-29-03, \_\_\_\_\_.

14-75.004 Consultant Competitive Selection Process.

Selection of professional consultants by the Department shall be in accordance with the provisions enumerated below.

(1) Notice.

(a) Except when there is a public emergency certified by the Secretary of Transportation, the Department shall provide notice whenever it requires professional services for a project, the basic construction cost of which is estimated by the

Department to be more than the threshold amount in Section 287.017, Florida Statutes, for category five, or when the fee for professional services for a fixed capital outlay study or planning activity exceeds the threshold amount provided in Section 287.017, Florida Statutes, for category two. The Department will provide the foregoing notice at its Internet address (<http://www.dot.state.fl.us/procurement/> ~~www11-myflorida.com/procurement/~~). A project may include the following:

1. Professional services associated with a specifically identified project.

2. A grouping of professional service assignments for substantially similar activities where the grouping of assignments provides advantage to the Department because of the geographic proximity of the existing or proposed transportation facilities involved, or use of shared resources for multiple projects, or to allow multiple use of a single design concept.

3. Miscellaneous minor professional services, performed on a task assignment basis. The total contract fee may not exceed \$1,500,000 and individual assignments may not exceed \$300,000. However, these limits may be exceeded due to unplanned cost increases.

4. Professional services of a general consultant, which include the administration, support, and management of engineering, architectural, surveying, planning, or right of way acquisition and appraisal activities.

(b) The notice shall contain time frames for submittal of a letter of response, a general description of the project, including where a detailed description may be obtained, the Department district and county where the project is located, a list of the major types of work, an indication as to whether the project is considered a minor project for qualification purposes, and a description of the means by which interested consultants can apply for consideration. Projects that do not conform to the prequalified types of work shall be advertised requesting any interested consultant to submit a Letter of Qualification. Consultants responding to advertisements for such non-standard types of work do not need to possess previous qualification.

(2) Response to Advertisement and Selection.

(a) Professional consultants who desire work with the Department shall timely submit a maximum of a two page letter of response, or a letter of qualification, to the Department whenever they feel qualified to perform projects for which notice has been provided in accordance with subsection (1)(a). To be considered for selection, the letter of response or letter of qualification must be received in the format and by the date specified in the advertisement and will include a list of all affiliates as defined in Section 337.165(1)(a), Florida Statutes. Only one letter of response/qualification will be considered from any consultant firm.

(b) After receipt of a letter of response, or letter of qualification, the Department shall review the submittal and verify that the consultant possesses current qualification with the Department to perform the major type(s) of work specified in the advertisement. In order to be considered for selection, any consultant which does not possess current qualification to perform the major type(s) of work specified in the advertisement shall submit a completed Request for Qualification Package, including the required overhead audit (if applicable), on or before the date letters of response are due. A qualified consultant may use a qualified sub-consultant to meet the requirements of the major type(s) of work for which it is not currently qualified when responding to advertisements. The Department will not be obligated to delay any part of the consultant selection process or the execution of a contract for a consultant who has not been qualified for the major types of work or who cannot provide the required documentation prior to the process of selection.

(c) If fewer than three consultants respond to the advertisement, the Department shall review its list of firms prequalified for the major type(s) of work advertised, and select no fewer than ten prequalified firms (or all prequalified firms if fewer than 10 are prequalified) deemed to be the most highly qualified, based on the criteria in Section 287.055(4)(b), Florida Statutes. The Department shall then contact each of the listed consultants and conduct similar discussions concerning the project, until it has at least three consultants interested in the project.

(d) When the fee for professional services is less than the threshold amount provided in Section 287.017, Florida Statutes, for category two, or when the Department's estimated basic construction cost is less than the threshold amount provided by Section 287.017, Florida Statutes, for category five, the Department may request, review, and approve the technical qualifications of the selected consultant if the consultant is not currently qualified in the requested type of work.

(e) Selection of consultants will be in accordance with Section 287.055, Florida Statutes.

Specific Authority 334.044(2), 837.06 FS. Law Implemented 287.055, 337.105 FS. History—New 6-30-73, Amended 3-24-77, 6-30-83, 10-21-85, Formerly 14-75.04, Amended 3-29-89, 1-2-91, 9-29-92, 2-22-94, 8-5-96, 2-12-98, 8-2-01, 4-29-03, \_\_\_\_\_.

14-75.0051 Revocation, Denial, or Suspension of Qualification.

(1) Department will, for good cause, deny or suspend the qualification of any professional consultant, or other provider of service, to render services to the Department. A denial or suspension for good cause pursuant to this rule shall remove the person or firm from consideration for award of professional service contracts for a particular type of work for a period not to exceed three years. Such good cause shall include paragraphs (a) through (e) below:

~~(a) One of the circumstances specified under Section 337.105(1)(a) through (i), Florida Statutes.~~

~~(a)(b) The consultant defaulted on any Department contract, or the contract of any other governmental entity.~~

(b) The consultant's work performance in one of the work types defined in Rule 14-75.003, F.A.C., is not satisfactory. Unsatisfactory performance shall consist of failure to meet project:

1. Schedule requirements.
2. Management requirements, or
3. Quality requirements.

Unsatisfactory performance will result in revocation, denial, or suspension of qualifications for that type of work for a period not to exceed one year.

~~(c) The consultant failed to timely furnish all contract documents required by the contract specifications, or special provisions, to be provided after the Department's offer of final payment.~~

~~(d) The consultant has an unsatisfactory work performance grade average. A consultant must maintain a final grade of 70 to remain qualified with the Department to provide services in each type of work. A composite final average grade between 60 and 69 for schedule, management, and each quality grade will result in the consultant being suspended from the qualified list for three months for each type of work graded within this range. A composite final average grade below 60 for schedule, management, and each quality grade will result in the consultant being suspended from the qualified list for six months for each type of work graded within this range.~~

~~(c)(e) Any other good cause, as defined in Section 337.105(1), Florida Statutes, established by the factual circumstances.~~

(2) For any of the reasons provided in Section 14-75.0051(1), ~~other than receipt of an unsatisfactory work performance grade~~, the Department will revoke, deny, or suspend a consultant's qualification for a period of time based upon the seriousness of the deficiency. Factors to be considered in determining the length of the suspension or denial include, but shall not be limited to, the following:

- (a) Impact on project design or construction schedules;
- (b) Frequency or number of occurrences;
- (c) Impact on the Department, financial or otherwise;
- (d) Potential for repetition;
- (e) Length of bar or suspension from consideration of work by another governmental entity; and
- (f) Severity or length of noncompliance with the requirements for qualification, found in Rule Chapter 14-75, F.A.C.

(3) The Department shall deny or revoke the qualification to bid of any consultant, and its affiliates, for a period of 36 months, pursuant to Section 337.165, Florida Statutes, when it



is determined that the consultant has, subsequent to January 1, 1978, been convicted of a contract crime within the jurisdiction of any state or federal court.

(4) Any decision by the Department to suspend, revoke, or deny a consultant's qualification will be provided to the consultant in accordance with Rule 28-106.111, F.A.C. The Department's action will become final, unless a petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C., within 21 days after receipt of the Department's notice. Where a consultant's qualification has been denied or revoked for conviction of a contract crime, a hearing shall be held within 30 days of the receipt of the request for hearing if the request for hearing is filed within 10 days of the Department's notice of intent. All requests for hearing shall be in writing and shall be filed with the Clerk of Agency Proceedings, 605 Suwannee Street, MS 58, Haydon Burns Building, Tallahassee, Florida 32399-0458. A request for hearing is filed when it is delivered to, and received by, the Clerk of Agency Proceedings at the above address, and accordingly is not timely filed unless it is received by the Clerk of Agency Proceedings within the appropriate time period.

(a) Reapplication or Reinstatement. A consultant whose qualification has been denied or revoked for conviction of a contract crime may petition for reapplication or reinstatement at any time after denial or revocation in accordance with Section 337.165(2)(d), Florida Statutes.

1. The petition for reapplication or reinstatement shall be in writing and shall be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS 58, Haydon Burns Building, Tallahassee, Florida 32399-0458, and shall include:

- a. The name and address of the party making the request;
- b. A statement of the specific grounds upon which the petition is based and the proposed terms and conditions upon which reapplication or reinstatement is sought;
- c. A list of all witnesses and exhibits to be presented; and
- d. A statement whether the consultant requests that the hearing be held by the Division of Administrative Hearings.

2. Upon the filing of a petition for reapplication or reinstatement, the Department shall:

- a. Conduct a hearing within 30 days after receipt of the petition, unless otherwise stipulated by the parties; or
- b. Notify the Division of Administrative Hearings within five days after receipt of the petition for scheduling of the hearing in accordance with Sections 337.165(2)(d) and 120.57, Florida Statutes.

3. If the petition for reapplication or reinstatement is denied, the consultant may not petition for a subsequent hearing for a period of nine months following the date of the order of denial or revocation.

4. If the petition for reinstatement is granted, the consultant shall file a current Request for Qualification with the Procurement Office, 605 Suwannee Street, MS 20, Haydon Burns Building, Tallahassee, Florida 32399-0450, before the reinstatement shall become effective.

(b) Notification of Contract Crime. A consultant who is qualified with the Department, or who has a letter of response or qualification, or who has a request for qualification pending before the Department pursuant to this Rule Chapter, shall notify the Department within 30 days after conviction of a contract crime applicable to it or to any of its affiliates or to any officers, directors, executives, shareholders active in management, or employees or agents of it or any of its affiliates. The notification shall be forwarded to the Department of Transportation, Procurement Office, 605 Suwannee Street, MS 20, Haydon Burns Building, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 337.105 FS. Law Implemented 287.055(3), (6), 337.105, 337.165 FS. History—New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 1-17-99, 8-2-01, 4-29-03, \_\_\_\_\_.

14-75.0052 Professional Consultant Work Performance Evaluation System.

(1) The Department shall have a system to evaluate the performance of consultants on professional services contracts. The system shall consider the consultant's performance for the entire length of the contract and evaluate the products produced by the consultant. A copy of the completed evaluation shall be provided to the consultant's project manager and the officer who executed the agreement. A final composite evaluation of the consultant's contract performance shall be developed by combining all of the consultant's evaluations for the full length of the contract. The consultant's work performance on each professional service contract must be evaluated by the Department's project manager(s) or task manager(s). A work performance grade for each major type of work shall be based on an evaluation of Schedule, Management, and Quality. The schedule rating shall be based on the consultant's compliance with the contract schedule. The Management rating shall be based on the consultant's ability to manage all necessary project resources. The Quality rating shall be based on the consultant's attention and concern to the established quality control plan and a quality product. The project manager shall assign the Quality rating to any qualified consultant named in the agreement for any major type of work performed. For all professional services contracts that result in the preparation of construction plans, a Constructibility rating shall also be assigned. The Constructibility rating shall be based on the design consultant's ability to develop practical, accurate, complete, and cost effective construction plans. A minimum of one interim evaluation shall be conducted for all contracts with a duration of 18 months or more. A final evaluation shall be conducted for all contracts within 30 days of approval of the final invoice for basic services. A work

performance grade for each major type of work shall be based on an evaluation of Schedule, Management, and Quality. The project manager shall assign the Quality Grade to any qualified consultant named in the agreement for each major type of work performed. The Department's contracted consultant shall also receive a Schedule, Management, and Quality Grade in the same type of work as any technically qualified consultant.

(2) The rating system for all work types shall be on a 1 to 5 rating scale with 1 equating to poor performance and 5 representing outstanding performance. Ratings will be assigned on a continuum of 1 to 5. Each interim grade shall be based upon an evaluation of the consultant's work performance for the period of time since a previous interim evaluation was made. The Final Grade shall reflect the overall contract performance for the entire contract period. Interim grades shall be entered into the Department's Professional Services Information System until replaced by the final grade.

(3) Each professional service contract evaluation shall be based on an evaluation of contract performance using a grading system for Schedule, Management, and Quality, except for Groups 10.1 and 10.2, which will be scored one composite grade. The scoring system for all work groups will be as follows:

- Excellent - 100 points
- Good - 90 points
- Average - 80 points
- Marginal - 70 points
- Unsatisfactory - 0 - 60 points

(a) The Schedule Grade. The schedule grade shall provide an indication of the consultant's compliance with the contract schedule.

(b) The Management Grade. The management grade shall provide an indication of the consultant's managerial knowledge and ability to manage all necessary resources to deliver a high quality product.

(c) The Quality Grade. The quality grade shall provide an indication of the consultant's attention and concern to the established quality control plan and a quality product. A quality grade is prepared, at a minimum, for each major type of work as advertised. The quality grade for each type of work shall consider a minimum of four quality tests with a standard score range assigned to each test. The maximum grade for the summation of all quality tests for an individual quality grade is 100%.

(4) For all professional service contracts that result in the preparation of construction plans, a construction plan quality evaluation will be performed by the Department's Resident Engineer within 30 days after final acceptance of the construction project. The resulting Constructibility Grade shall provide an indication of the design consultant's ability to develop practical, accurate, complete, and cost effective

construction plans. The Department's CEI project manager or resident engineer shall assign a grade on the design consultant's plan quality.

(5) Additional interim consultant work performance evaluations can be submitted by the Department's project manager as needed. Items to be considered for submitting additional interim evaluations are:

- (a) Examples of extremely outstanding performance;
- (b) Examples of extremely poor performance;
- (c) Completion of critical phases of work, such as preliminary design, submittal of draft environmental documents and reports, initial and final submittals, etc.; and

(6) Evaluation Processing. The Department's project manager will prepare the completed consultant performance grade, interim or final for entry into the Professional Services Information System. All final grades will be retained in the system for five years, and may be referred to by the Department for use in future qualification selection matters. Each interim grade shall be replaced by the succeeding interim grade and eventually by the final grade for each contract. A performance grade is established for each major type of work by averaging the schedule, management, and quality grade. An average grade of 70 or more for each type of work is considered satisfactory. (d) Requests from the consultant based on possible improved performance when its most recent grade was low.

(7) Within 10 days after the Procurement Office receives the completed grades, a copy of the performance grades with a cover letter shall be provided to the consultant's project manager and officer who executed the agreement, as well as to any other consultant who was named in the agreement and was assigned a Quality Grade for work it performed.

Specific Authority 287.055, 334.044(2) FS. Law Implemented 287.055, 337.105 FS. History--New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 8-5-96, 8-2-01, 4-29-03, \_\_\_\_\_.

**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 CITRUS**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Maturity Tests - Processed Citrus	20-61
RULE TITLE:	RULE NO.:
Sampling Equipment	20-61.003
PURPOSE AND EFFECT: A requested amendment extending for one year, to November 1, 2006, the requirement for all processing plants to install the flip-gate sampling system.	

SUBJECT AREA TO BE ADDRESSED: Extending the deadline for installation of the flip-gate sampling system.

SPECIFIC AUTHORITY: 601.10(7), 601.24 FS.

LAW IMPLEMENTED: 601.10(7), 601.24, 601.27 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Confidential Records RULE NO.: 33-601.901

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise rule language and forms for clarity and consistency with state and federal law governing confidentiality of records.

SUBJECT AREA TO BE ADDRESSED: Confidential Records.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.10, 945.25 FS. LAW IMPLEMENTED: 944.09, 945.10, 945.25, 947.13 FS., 42 USCS 290 ee-3, 45 CFR Parts 160 and 164.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) No change.

(b) Inmate and offender access to their own medical or substance abuse clinical records.

1. Definitions.

a. "Medical record" as used in this rule includes the inmate's medical, mental health, and dental files maintained by the department.

b. through e. No change.

2. through 9. No change.

(c) No change.

(2) No change.

(3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule:

(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only ~~upon~~ when necessary to ensure that the inmate's or offender's overall health care needs are met, or a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection And Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall ~~must~~ be utilized ~~in order to obtain inmate medical records held by the department.~~ Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is July 8, 2003. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.

(b) through (f) No change.

(g) The identity of an executioner or any person prescribing, preparing, compounding, dispensing, or administering a lethal injection.

(h) No change.

(4) Blueprints, detailed physical diagrams, photographs, and security system plans of institutions and facilities are confidential and can be released only as provided by law. ~~and~~

(5) Ceomputer printouts containing information on inmates or offenders except those printouts specifically designated for public use are confidential and can be released only as provided in ~~(6)(5)~~(d) of this rule.

~~(6)(5)~~ No change.

~~(7)(6)~~ After victim information has been redacted, access to preplea, pretrial intervention, presentence or postsentence investigations is authorized as follows:



develop a Small Business Program. The program will be designed to assist small businesses to participate in contracting activities with the District.

SUBJECT AREA TO BE ADDRESSED: The creation of Chapter 40E-7, Part VI, F.A.C., concerning small businesses participating in the District's procurement and contracting activities.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.1135 FS.

LAW IMPLEMENTED: 373.1135 FS.

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

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

PLACE: South Florida Water Management District, Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901, (239)338-2929

TIME AND DATE: 9:00 a.m., December 1, 2005

PLACE: South Florida Water Management District, Miami Service Center, 2121 S.W. 3rd Avenue, Miami, FL 33129, (305)377-7274

TIME AND DATE: 11:00 a.m., December 2, 2005

PLACE: South Florida Water Management District, B-1 Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2847

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Frank Hayden, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 6611, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6043 or (561)682-6043 (internet:fhayden@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact District Clerk, at (561)686-8800 at least two business days in advance to make appropriate arrangements.

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE CHAPTER TITLE: Prescribed Pediatric Extended Care Centers      RULE CHAPTER NO.: 59A-13

PURPOSE AND EFFECT: The Agency proposes to amend Chapter 59A-13, Florida Administrative Code, consistent with provisions of Section 400.914, F.S. The legislation provides the rule be amended regarding areas that include: license procedures; administration and management; admission, transfer, and discharge policies; child care policies; medical

director; nursing services; in-service training for staff and parents and guardians; medical record; quality assurance committee; infection control; and emergency procedures.

SUBJECT AREA TO BE ADDRESSED: The proposed changes to Chapter 59A-13, Florida Administrative Code, involves the following areas: license procedure; administration and management; admission, transfer, and discharge policies; child care policies; medical director; nursing services; in-service training for staff and parents and guardians; medical record; quality assurance committee; infection control; and emergency procedures.

SPECIFIC AUTHORITY: 400.914 FS.

LAW IMPLEMENTED: 400.914 FS.

IF REQUESTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, A WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., November 29, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Kimberly R. Smoak, Long Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida 32308 or call (850)488-5861

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLE: Notification of Address Change      RULE NO.: 61H1-26.005

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to clarify responsibility for updating address changes.

SUBJECT AREA TO BE ADDRESSED: Address change.

SPECIFIC AUTHORITY: 473.304 FS.

LAW IMPLEMENTED: 473.304 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 IS: John Johnson, Executive Director, Board of Accountancy, 240 NW 76th Drive, Suite A, Gainesville, FL 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-26.005 Notification of Address Change.

(1) through (2) No change.

(3) ~~It is~~ If the licensee's responsibility to verify ~~does not receive written confirmation~~ that the Board's records have been updated. ~~If the records have not been updated, it is the responsibility of~~ changed then the licensee is put on notice that ~~the Board did not receive the change and it is the licensee's responsibility~~ to send another notice.

Specific Authority 473.304 FS. Law Implemented 473.304 FS. History--New 12-2-92, Formerly 21A-26.005, Amended \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLES: RULE NOS.:

General Requirements of Clinical Laboratory Personnel 64B3-3.001

Curriculum Requirements for Clinical Laboratory Personnel Training Programs 64B3-3.003

PURPOSE AND EFFECT: The Board proposes to amend requirements for clinical laboratory personnel programs and curriculum requirements, and include molecular pathology.

SUBJECT AREA TO BE ADDRESSED: Clinical laboratory programs and curriculum requirements, as they relate to molecular pathology.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-3.001 General Requirements of Clinical Laboratory Personnel Training Programs.

(1) through (4) No change.

(5) Each training program shall:

(a) through (p) No change.

(q) In the category of molecular pathology, a minimum of six months of instruction.

~~(r)(q)~~ No change.

(6) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History--New 12-28-94, Amended 7-12-95, 4-24-96, Formerly 590-3.001, Amended 1-11-99, 11-15-99, 9-29-02, 2-2-04, 12-5-04, \_\_\_\_\_.

64B3-3.003 Curriculum Requirements for Clinical Laboratory Personnel Training Programs.

(1) through (8) No change.

(9) For the category of molecular pathology, technologist level program shall at a minimum include instructions in the following competencies:

(a) Applies knowledge of basic and special laboratory procedures, sources of error, fundamental characteristics of molecular theory, molecular biology, and molecular genetics.

(b) Selects appropriate courses of actions for method and test requested.

(c) Selects and prepares appropriate methods, instruments, reagents, controls and appropriate procedures to verify test results.

(d) Calculates results and assesses test results by correlating laboratory data with clinical data, quality control data, and physiological process to validate results and procedures.

(e) Evaluates laboratory data to recognize health and disease states, make identifications, verify test results, resolve inconsistent results and sources of error, take corrective actions, and recognize the need for additional testing.

~~(10)(9)~~ No change.

~~(11)(10)~~ No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History--New 5-9-95, Amended 12-4-95, 4-24-96, Formerly 590-3.003, Amended 3-19-98, 9-20-98, 1-11-99, 10-30-02, 7-18-04, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLES: RULE NOS.:

Supervisor 64B3-5.002

Technician 64B3-5.004

Director; Limitations and Qualifications 64B3-5.007

PURPOSE AND EFFECT: The Board proposes amendments for the academic qualifications of clinical laboratory personnel supervisors, technicians, and directors with regard to the category of molecular pathology and diagnostics.

SUBJECT AREA TO BE ADDRESSED: The academic qualifications of clinical laboratory personnel supervisors, technicians, and directors with regard to the category of molecular pathology and diagnostics.

SPECIFIC AUTHORITY: 483.051, 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.041(5), 483.051(1), 483.800, 483.809, 483.811(2), 483.815, 483.823, 483.823(1), 483.824 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS, Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist and complete a Board approved examination or complete 25 hours of Board approved continuing education in the area of administration and supervision, which includes examination(s) accumulated over no longer than five years prior to application for licensure, shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and one of the following:

(a) through (g) No change.

(h) In the category of molecular pathology, have a minimum of a baccalaureate degree, with eight semester hours each of academic biological and chemical science included in a total of 24 semester hours of academic science and/or medical laboratory technology, and five years of pertinent clinical laboratory experience in molecular pathology.

(2) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b), ~~and~~ (c), ~~and~~ (h), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the ASCP, National Credentialing Agency of Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysts, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or

American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

(3) through (4) No change.

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, 4-20-04,\_\_\_\_\_.

64B3-5.004 Technician.

(1) General Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university, or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a laboratory technician, which includes the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, histology, molecular genetics, andrology and embryology, an applicant shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, a minimum of a high school diploma or a high school equivalency diploma and one of the following:

(a) through (f) No change.

(g) Qualifications for Molecular Pathology Genetics Technician. To be licensed as a molecular pathologist genetics technician, an applicant shall have a minimum of a high school diploma or high school equivalent, and be licensed as a clinical laboratory technologist or technician in any specialty area.

(h) No change.

(2) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.004, Amended 5-26-98, 9-20-98, 1-11-99, 8-31-99, 9-27-00, 12-26-00, 4-29-02, 10-29-02, 2-11-03, 4-20-04,\_\_\_\_\_.

64B3-5.007 Director; Limitations and Qualifications.

(1) through (4) No change.

(5) Approved examinations for licensure as a director: An applicant who qualifies for licensure as a director herein is required to pass a supervision and administration examination covering the subject matter of subsection 64B3-3.003(7), F.A.C., the Clinical Laboratory Director examination administered by the National Credentialing Agency for Laboratory Personnel (NCA), the examination for High Complexity Laboratory Director (HCLD) or one of the following:

(a) through (e) No change.

(f) In the specialty of molecular pathology genetics, the specialty examination in molecular diagnostics genetics prepared by the American Board of Medical Genetics.

(g) and (h) No change.

(6) No change.

Specific Authority 483.051, 483.805(4) FS. Law Implemented 483.041(5), 483.051(1), 483.809, 483.811(2), 483.823(1), 483.824 FS. History—New 6-6-85, Formerly 10D-41.67, Amended 3-11-90, Formerly 10D-41.067, Amended 7-1-97, Formerly 59O-5.007, Amended 5-26-98, 3-2-99, 3-24-02, 10-14-02, 4-20-04,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Scope of Practice Relative to Specialty of Licensure

RULE NO.: 64B3-10.005

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language with regard to the scope of practice relative to specialty licenses held by clinical laboratory personnel.

SUBJECT AREA TO BE ADDRESSED: The scope of practice relative to specialty of licensure for clinical laboratory personnel.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS, Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (11) No change.

(12) The purpose of the specialty of cytology is to process and interpret cellular material derived from the human body delineating data regarding human cytopathological disease. Cytology includes;

(a) ~~R~~review and interpretation of gynecological cytology preparations in accordance with the provisions of Rule Chapter 64B3-7, F.A.C.;

~~(b) and S~~creening of non-gynecological cytology preparations where final review and interpretation is the responsibility of a qualified physician; and

(c) Process, perform, review and correlate diagnostic techniques ancillary to liquid based cytology.

(13) No change.

(14) The purpose of the specialty of molecular pathology is the use of molecular techniques for the characterization of gene expression (protein, RNA), genetic lesions (DNA) in cells, gene products (proteomics) and analysis genetics is to perform an analyses on human DNA, RNA and chromosomes to detect heritable or acquired disease-related genotypes, mutations, and phenotypes ~~for clinical purposes. It includes the study of how the changes found lead to the disease process, monitoring of the effectiveness of therapy, and detection of residual disease. Techniques included are but not limited to immunohistochemistry, in situ hybridization, mutational analysis, protein analysis, polymerase chain reactions, cell culture and isolation, expression profiling, blotting and microarrays. Such purposes would include predicting risk of disease; identifying carriers; and establishing prenatal or clinical diagnoses or prognoses in individuals, families, or populations.~~

(15) through (19) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History—New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 59O-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02, 10-30-02, 4-27-04,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Disciplinary Guidelines

RULE NO.: 64B3-12.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to add disciplinary fines for clinical laboratory personnel who are terminated from a treatment program for impaired practitioners, fail to comply without good cause with the terms of a monitoring or treatment contract entered into by the licensee, or fail to successfully complete any drug-treatment or alcohol treatment program.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for clinical laboratory personnel.

SPECIFIC AUTHORITY: 456.079, 483.805(4) FS.

LAW IMPLEMENTED: 456.079, 483.825, 483.827 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257



THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-12.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. For applicants, all violations are sufficient for refusal to certify an application for licensure. For registrants or licensees, the imposition of probation as a penalty shall ordinarily require compliance with conditions such as restitution, continuing education and/or training, indirect or direct supervision by a Board-approved monitor, restrictions on practice, submission of reports, appearances before the Board, and/or hours of community service. As appropriate, such conditions of probation also shall be required following any period of suspension. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In imposing discipline pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty as authorized by Section 456.072(2), F.S., within the range corresponding to the violations set forth below. Offense identifications are descriptive only; the full language of each statutory provision must be considered in order to determine the conduct included.

(a) through (x) No change.

(y) Section 456.072(1)(gg), F.S.: Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant, as described in Section 456.076, F.S., for failure to comply without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol treatment program – from a minimum fine of \$500 to \$1000 and suspension until complaint up to revocation.

(3) through (6) No change.

Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.079, 483.825, 483.827 FS. History–New 8-3-93, Formerly 61F3-12.002, 59O-12.002, Amended 4-10-01, 9-9-02, 2-24-04,\_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

RULE TITLES:	RULE NOS.:
Management Provisions	68D-24.003
Suwannee and Santa Fe River Boating	
Restricted Areas	68D-24.020

PURPOSE AND EFFECT: Drawings are provided in each rule. The drawings are only intended to provide information to assist the boat operator in locating the boating restricted areas depicted in the respective rules. The drawings are not necessarily to scale and should not be relied on for navigational purposes. Nevertheless, some boat operators attempt to navigate their vessels by relying on these drawings rather than

on traditional nautical charts. Subsection 68D-24.003(3), F.A.C., will be amended to explicitly state that the drawings are not to scale and should not be used for navigation purposes. This amendment will not affect the size of or restriction within any boating restricted area. For each area, the text of the applicable rule is controlling and dispositive of the exact location of the boundaries of that particular boating restricted area.

Annual spring rains routinely cause the Suwannee and Sante Fe Rivers to rise. This condition creates an immediate danger to vessels transiting the area. Objects previously well above the water and objects previously on dry land become wholly or partially submerged and create hazards to navigation. These objects include without limitation: waterway markers, bollards and piles, docks and wharves, electrical and telephone wires, utility poles, trees and stumps, fences, dwellings, boat houses, and sheds. The turbulent and muddy waters cause boats to allide dangerously upon submerged objects without warning. Restricting operation to steerageway speed will mitigate the dangers and damages associated with such allisions. Limiting vessel operation to speeds no greater than Idle Speed No Wake is necessary to allow vessels additional opportunity to assess the situation and to avoid dangers.

Vessel operation at speeds greater than Idle Speed No Wake also endangers persons in or near the river. Floodwaters submerge accustomed footpaths and handholds. These submerged areas could cause persons to slip and fall, perhaps into the river. Under these circumstances, there is a substantial likelihood of injury or death.

There is general concurrence from Hamilton, Suwannee, Lafayette, Madison, Gilchrist, Dixie, and Columbia Counties, the Florida Fish & Wildlife Conservation Commission Field Office in Lake City, Florida, the Boating and Waterways Section, the United States Coast Guard, United States Army Corps of Engineers and the Suwannee River Water Management District to proceed with this rulemaking.

SUBJECT AREA TO BE ADDRESSED: Management provision relating to the drawing accompanying each rule. Idle Speed No Wake regulation along the Suwannee and Sante Fe Rivers: Along the Suwannee River from Ellaville south to Luraville, then south to Little River and on to Rock Bluff and from Rock Bluff southerly to Fowler Bluff; From the confluence of the Suwannee and Sante Fe Rivers continuing upstream along the Sante Fe River to O’Leno State Park and Three Rivers Estates.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.003 Management Provisions.

(1) through (2) No change.

(3) The drawings provided in this chapter are intended to provide information to assist the boat operator in locating the boating restricted areas depicted. The drawings are not to scale and should not be used for navigation purposes. The text of these rules is controlling and dispositive of the exact location of the boundaries of each boating restricted area.

(4) No change.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 8-30-83, Formerly 16N-24.03, Amended 6-14-93, Formerly 16N-24.003, 62N-24.003, Amended 6-12-00.

68D-24.020 Suwannee and Santa Fe River Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic, the Suwannee and Santa Fe River Boating Restricted Areas are established as follows:

(+) Idle Speed No Wake Zones –

(a) All waters in and adjacent to the Suwannee River from the centerline of the U.S. 90 Bridge at Ellaville south to the centerline of the S. R. 51 Bridge at Luraville, in effect when the Suwannee River level is 47 feet (MSL) or higher as indicated on the Ellaville gauge, as depicted in Drawing A. Suwannee River All waters in and adjacent to the Suwannee River, from shoreline to shoreline, bounded on the north by a line drawn perpendicular to the centerline of the river at the north end of the fender system of the U.S. 27 Bridge at Branford and bounded on the south by a line drawn perpendicular to the centerline of the river 300 feet south of the boat ramp at Fowler’s Bluff.

(b) All waters in and adjacent to the Suwannee River from the centerline of the S. R. 51 Bridge at Luraville to a line drawn perpendicular to the centerline of the Suwannee River at Little River Spring, in effect when the Suwannee River level is 26 feet (MSL) or higher as indicated on the Branford gauge, as depicted in Drawing B. Santa Fe River — All waters in and adjacent to the Santa Fe River, from shoreline to shoreline, bounded on the North by a line drawn perpendicular to the centerline of the river at the north end of the fender system of the U.S. 27 Bridge near High Springs and bounded on the south by the Suwannee River.

(c) All waters in and adjacent to the Suwannee River from a line drawn perpendicular to the centerline of the Suwannee River at Little River Spring to the centerline of the C. R. 340 Bridge at Rock Bluff, in effect when the Suwannee River level is 24 feet (MSL) or higher as indicated on the Branford gauge, as depicted in Drawing C.

(d) All waters in and adjacent to the Suwannee River from the centerline of the C. R. 340 Bridge at Rock Bluff to a line drawn perpendicular to the centerline of the Suwannee River one mile south of the Fowler Bluff Boat Ramp when the Suwannee River level is 9 feet (MSL) or higher as indicated on the Wilcox gauge, as depicted in Drawing D.

(e) All waters in and adjacent to the Sante Fe River from a line drawn perpendicular to the centerline of the Sante Fe River at River Rise in O’Leno State Park westerly to the confluence of the Suwannee and Sante Fe River, in effect when the Sante Fe River is 17 feet (MSL) or higher as indicated on the Three Rivers Estates gauge, as depicted in Drawing E.

(2) When in Effect – The boating restricted areas established in section (1) shall be active and enforceable only when the water levels are as specified in each paragraph. For purposes of this rule, all referenced river levels are in feet above mean sea level (MSL), 1929 National Geodetic Vertical Datum level of the Suwannee River measured at Branford, Florida, is at 26 feet above sea level (3 feet below flood stage) or higher.

(3) The boating restricted areas described in Rule 68D-24.020, F.A.C. are depicted in the following drawings:

NOTE: Drawings A through E are being developed.

Specific Authority 420.54(9), 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 5-3-94, Formerly 16N-24.020, 62N-24.020, Amended

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firefighter Employment Standards RULE CHAPTER NO.: 69A-62

RULE TITLE: General Guidelines for Firefighter Employer RULE NO.:

Comprehensive Safety and Health Programs 69A-62.021

PURPOSE AND EFFECT: All fire departments must have a safety and health program in place. Fire departments found to be in violation of any part of the rules pertaining to firefighter safety must also have a remediation plan, in addition to the safety and health program. The change being made more clearly reflects that intent.

SUBJECT AREA TO BE ADDRESSED: Fire departments’ safety and health programs and remediation plans for fire departments in violation of any part of the firefighter safety and health rules.

SPECIFIC AUTHORITY: 633.821 FS.

LAW IMPLEMENTED: 633.821 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A WORKSHOP IS NOT REQUESTED, NO WORKSHOP WILL BE HELD.

TIME AND DATE: 10:00 a.m., November 28, 2005  
PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Walter Malo, Safety Program Manager, Bureau of Fire Standards & Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, phone (352)369-2800

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, F.S., any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Angie Cain, (352)369-2818.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.  
The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by all firefighter employers ~~that are notified by the division that they have a high frequency or severity of workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.~~

(1) through (7) No change.

Specific Authority 633.821 FS. Law Implemented 633.821 FS. History—New 9-6-04, Amended \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE CHAPTER TITLE: Life Expectancy Providers  
RULE CHAPTER NO.: 690-204  
PURPOSE AND EFFECT: To implement regulatory structure over life expectancy providers.  
SUBJECT AREA TO BE ADDRESSED: Life Expectancy Providers.  
SPECIFIC AUTHORITY: 626.9925 FS.  
LAW IMPLEMENTED: 626.99175 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., December 13, 2005  
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bernie Stoffel, Specialty Product Administration, Office of Insurance Regulation, E-mail bernie.stoffel@fldfs.com.

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

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

**Section II  
Proposed Rules**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures  
RULE CHAPTER NO.: 9B-3  
RULE TITLES: Statewide Amendments to the Florida Building Code  
RULE NO.: 9B-3.050

PURPOSE, EFFECT AND SUMMARY: Changes made to Section 553.73(3), F.S., made by the 2005 Florida Legislature require Department of Community Affairs staff to review proposed code changes for adequacy before they are considered as part of the code change process. This rule revision provides procedures applicable to, and specifies the extent of, that review.

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(3) FS.

LAW IMPLEMENTED: 553.73(3), (6) FS.

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

TIME AND DATE: 9:10 a.m. – 9:15 a.m., December 7, 2005  
PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612

Any person requiring special accommodations at the workshop 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, which can be reached at 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, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.050 Statewide Amendments to the Florida Building Code.

(1) through (3) No change.

(4) For the purpose of amending the Florida Building Code, each proposed amendment to the Florida Building Code shall be submitted on the Code Amendment Proposal, Form 9B-3.047-2004 available from the Building Code Information System at www.floridabuilding.org or by contacting the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399. The Code Amendment Proposal form shall be submitted online at www.floridabuilding.org and shall be reviewed by Commission staff for sufficiency. Commission staff shall ascertain 1) whether the amendment to the code has been submitted in legislative format, 2) if the rationale for amending the code has been provided, and 3) if all seven questions regarding fiscal and other impacts have been answered by the proponent. The term "NA" or "Not applicable" shall be considered an insufficient answer. If a proposed code amendment is submitted more than two weeks prior to the deadline established and staff finds the proposal to be insufficient, staff shall notify the proponent via email of the nature of its insufficiency and that if the proponent of the amendment elects to resubmit the proposal curing the insufficiency, it must be resubmitted prior to the deadline. Once a Code Amendment Proposal has been found sufficient, Commission staff shall verify such status online, enabling the Building Code Information System to show the proposal to the general public for comment. Code Amendment Proposals found insufficient shall not be verified or considered as building code amendments in the code amendment process.

(5) through (9) No change.

Specific Authority 553.73(3), (6) FS. Law Implemented 553.73(3), (6), FS. History--New 11-20-01, Amended 6-8-05,\_\_\_\_\_.

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: October 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures

RULE CHAPTER NO.: 9B-3

RULE TITLE: Alternative Plans Review and Inspection

RULE NO.: 9B-3.053

Forms Adopted

9B-3.053

PURPOSE, EFFECT AND SUMMARY: Chapter 2005-147, Laws of Florida, imposed a requirement that a private inspector post designated information at the site of the inspections on a form adopted by the Florida Building Commission. The rule adopts that form.

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: 553.791(4), (5) FS.

LAW IMPLEMENTED: 553.791(4), (5) FS.

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

TIME AND DATE: 9:20 a.m., December 7, 2005  
PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612

Any person requiring special accommodations at the workshop 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, which can be reached at 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, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.053 Alternative Plans Review and Inspection Forms Adopted.

The following forms are adopted for use in conjunction with utilization of a private provider to perform plan review and inspection:

(1) through (2) No change.

(3) Job Site Private Provider Identification Form, Form # 2005-01.

Specific Authority 553.791(4), (5) FS. Law Implemented 553.791(4), (5) FS. History--New 1-20-03, Amended \_\_\_\_\_.

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: October 31, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER TITLE: Florida Building Commission –

Operational Procedures

9B-3

RULE TITLES: Binding Interpretations of the Florida

RULE NO.:

Building Code, Forms Adopted 9B-3.055

PURPOSE, EFFECT AND SUMMARY: Chapter 2005-147, Laws of Florida created Section 553.775, Florida Statutes, that require the Florida Building Commission to coordinate with the Building Officials Association of Florida, Inc.(BOAF) to establish a panel of building officials to review decisions of local building officials regarding interpretations of the Florida Building Code after the local board of appeals has considered the decision. The rule implements the statute by providing for procedures applicable to such decisions and adopting, by reference, the form to be utilized.

SPECIFIC AUTHORITY: 553.775 FS.

LAW IMPLEMENTED: 553.775(3)(c) FS.

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

TIME AND DATE: 9:15 a.m. – 9:20 a.m., December 7, 2005

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612

Any person requiring special accommodations at the workshop 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, which can be reached at 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, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.055 Binding Interpretations of the Florida Building Code, Forms Adopted.

(1) Petitions for binding interpretations of the Florida Building Code shall be made through the Building Code Information System on the Internet in accordance with the provisions of Section 553.775, Florida Statutes.

(2) A fee of \$250 shall be paid by petitioner by credit card or electronic check upon such submission to cover processing costs.

(3) The following form is adopted for use in conjunction with issuance of a binding interpretation:

(a). Florida Building Commission, Petition for Binding Interpretation, Form No. 9B-3.055(1), November, 2005 (electronic version).

(4) The Petitioner shall print two (2) completed petitions for submittal to the enforcement agency that rendered the decision that is the subject of the petition. The enforcement agency shall stamp each of the petitions submitted with the time and date of receipt, retain one copy and return one to the Petitioner, who shall retain the stamped petition for submittal in the event that receipt of the petition or the time thereof become material to the dispute.

(5) Within 5 working days after receipt, the local building official shall respond to the petition through the Building Code Information System, or in writing, including statements 1) admitting or denying the statements contained in the petition, 2) of the interpretation of the provisions of the Florida Building Code deemed correct by the local building official or jurisdiction, and 3) containing the basis for the interpretation, and shall return the petition with his or her response to the petitioner. The petitioner may file the petition with the Commission at any time after it is returned to him or her, or after 10 days if the local building official has not responded. The Commission shall immediately publish the petition online on the Building Code Information System, accept online comments from interested parties for a period of seven calendar days, and provide copies of the petition to a panel.

The panel shall conduct proceedings as necessary to resolve the issue, considering the petitioner’s arguments, the building official’s response and comments made on the petition, and shall issue an interpretation within 21 days of the petition’s submittal, based either on code language or the intent of the code. The 21 days may be waived only upon consent of all parties. The interpretation shall be provided to the Commission, which shall post it online on the Building Code Information System and in the Florida Administrative Weekly. The interpretation shall be binding to all parties and all jurisdictions subject to the code unless it is superseded by a declaratory statement issued by the Florida Building Commission or by a final order entered after an appeal proceeding conducted. Appeals to interpretations shall be filed within 30 days of issuance of an interpretation and shall be conducted in accordance with Chapter 120, F.S., and the uniform rules of procedure.

(6) The interpretation rendered by the panel of building code administrators shall become final upon the earlier of the resolution of any appeal of that interpretation before the Florida Building Commission or the expiration of the time period in which to initiate such appeal.

Specific Authority 553.775 FS. Law Implemented 553.775(3)(c) FS. History—New \_\_\_\_\_.

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: October 31, 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.”

**DEPARTMENT OF CITRUS**

RULE CHAPTER TITLE: Standards for Processed Citrus Products  
RULE TITLE: Water Extracted Soluble Fruit Solids  
RULE CHAPTER NO.:  
20-64  
RULE NO.:  
20-64.021

PURPOSE AND EFFECT: New rule section exempting approved plants operating under the Florida Quality Systems Certification Program for Finished Product from the notice provisions with regard to Water Extracted Soluble Fruit Solids and renumbering subsequent sections.

SUMMARY: Exempting approved plants operating under the Florida Quality Systems Certification Program for Finished Product from the notice provisions with regard to Water Extracted Soluble Fruit Solids.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No formal Statement of Regulatory Cost has been prepared, however the Agency received testimony at its public workshop estimating substantial savings to processors are anticipated.

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: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11 FS.

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

TIME AND DATE: 9:00 a.m., December 21, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-64.021 Water Extracted Soluble Fruit Solids.

(1) through (3) No change.

(4) Approved plants operating under the Florida Quality Systems Certification Program (20-64.025) are exempted from the notice provisions of subsection (3) above, but are required to follow documented program guidelines for handling of Water Extracted Soluble Fruit Solids.

~~(5)~~(4) Water extracted soluble fruit solids shall not be placed, for shipment or storage purposes, in any container which contains other citrus juice products, nor shall any citrus juice product be placed in any container which contains water extracted soluble fruit solids; except that water extracted soluble fruit solids to which a tracer has been added in accordance with paragraph (5)(a) may be used in producing beverage bases. Beverage bases manufactured for offshore shipment outside the United States and foreign countries listed in subsection 20-64.021(7), F.A.C., may contain water extracted soluble fruit solids without tracer if handled and accounted for as in subsection 20-64.021(9) paragraphs (a), (c), (d) and (e), F.A.C.

~~(6)~~(5)(a) through (b) No change.

~~(7)(6)~~ Reserved.

~~(8)(7)~~ Subsection 20-64.021(5), F.A.C., shall not apply to product packed and certified, at the time of manufacture, for export shipment by the licensed citrus fruit dealer who manufactured the product, to countries outside the United States, other than the countries and territories of: Antigua and Barbuda, Barbados, Belize, Canada, Costa Rica, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Montserrat, Netherlands Antilles, Panama, Saint Christopher-Nevis, Saint Lucia, Saint Vincent, and Grenadines, Trinidad and Tobago, British Virgin Islands, Bahamas. Product so certified shall be appropriately identified for offshore export only, and may not subsequently be shipped or used domestically. To qualify for this exemption all products must be handled and accounted for in accordance with subsection 20-64.021(9), F.A.C., of this chapter.

~~(9)(8)~~ Each lot or container of water extracted soluble fruit solids shall be subject to sampling and analysis by the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, United States Department of Agriculture.

~~(10)(9)~~ Water extracted soluble fruit solids, packed and certified for export shipment pursuant to the provisions of subsection 20-64.021(7), F.A.C., hereof, shall be handled and accounted for as follows:

(a) through (e) No change.

~~(11)(10)~~ It shall be the burden of the manufacturer of water extracted soluble fruit solids without tracer to show with proper documentation, either the offshore export of the product, that tracer has been properly added thereto, or that the tank in which it is stored is totally segregated.

Specific Authority 601.10(1), (7), 601.11 FS. Law Implemented 601.10(7), 601.11 FS. History--New 3-21-79, Amended 6-24-81, 11-1-81, 1-1-82, 11-24-82, 8-28-84, 4-14-85, Formerly 20-64.21, Amended 9-2-86, 2-3-87, 11-1-88, 11-20-88, 3-19-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kenneth O. Keck, General Counsel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth O. Keck, General Counsel  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2005

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 050681-TP

RULE TITLES:	RULE NOS.:
Application for Certificate	25-24.511
Application for Approval of Sale, Assignment or Transfer of Certificate	25-24.512
Application for Certificate	25-24.567
Application for Approval of Sale, Assignment or Transfer of Certificate	25-24.569

Application for Certificate	25-24.720
Application for approval of Sale, Assignment, or Transfer of Certificate	25-24.730
Application for Certificate	25-24.810
Application for Approval of Sale, Assignment or Transfer of Certificate	25-24.815

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

SUMMARY: Raises the application fee from \$100 to \$250 for an applicant for a pay telephone certificate or a shared tenant services certificate, and from \$250 to \$400 for an applicant for a competitive local exchange service certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Applicants for certificates to provide certain telecommunications' services will pay increased application fees.

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: 350.127(2) FS.

LAW IMPLEMENTED: 364.32, 364.33, 364.335, 364.337, 364.3375, 2364.339, 364.345, 364.345(2) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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 THE PROPOSED RULES IS: Christiana T. Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULES IS:

25-24.511 Application for Certificate.

(1) Any person desiring to provide pay telephone services must have a pay telephone service certificate.

(2) An applicant shall submit an application on Form PSC/CMP 32 (~~xx/xx 02/99~~), entitled "Application Form for Authority Certificate to Provide Pay Telephone Service Within the State of Florida," which is incorporated into this rule by reference and may be obtained from the Commission's

Division of Competitive Markets and Enforcement. A non-refundable application fee of ~~\$250.00~~ \$100.00 must accompany the filing of all applications.

(3) through (4) No change.

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

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History–New 1-5-87, Amended 9-28-89, 4-7-91, 11-20-91, 12-21-92, 2-1-99, \_\_\_\_\_.

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

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

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

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

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

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

Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.3375, 364.345 FS. History–New 1-5-87, Amended 5-15-89, \_\_\_\_\_.

25-24.567 Application for Certificate.

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

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

(3) through (4) No change.

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

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

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

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

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

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

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

25-24.720 Application for Certificate.

(1) An applicant seeking to provide Alternative Access Vendor service shall submit an application on Commission Form PSC/CMP 43 (~~xx/xx 4/95~~), entitled “Application Form for Authority to Provide Alternative Access Vendor Service within the State of Florida,” which is incorporated into this rule by reference. The form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission’s acceptance of the application fee does not imply that a certificate will be granted.

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

(3) No change.

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

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

(1) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission



Form PSC/CMP 43 (~~xx/xx 4/95~~) (entitled "Application Form for Authority To Provide Alternative Access Vendor Service within the State of Florida"). The application form may be obtained from the Division of Competitive Markets and Enforcement. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

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

(3) through (4) No change.

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

25-24.810 Application for Certificate.

(1) An applicant for a certificate shall submit an application on Form PSC/CMP 8 (~~xx/xx 4/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx 4/95~~), entitled "Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida", may be obtained by contacting the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of ~~\$250.00~~ \$400.00 must accompany the filing of each application.

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

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

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

(1) A person obtaining a certificate by sale, assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Form PSC/CMP 8 (~~xx/xx 4/95~~), which is incorporated into this rule by reference. Form PSC/CMP 8 (~~xx/xx 4/95~~), entitled "Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida", may be obtained by contacting the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of ~~\$250.00~~ \$400.00 must accompany the filing of each application.

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Ray Kennedy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 31, No. 26, July 1, 2005

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (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, which can be reached at: 1(800)955-8771 (TDD).

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental Resource

RULE CHAPTER NO.:

Permits

40D-4

RULE TITLE:

RULE NO.:

Publications and Agreements Incorporated

by Reference

40D-4.091

PURPOSE AND EFFECT: The purpose of the amendment to Rule 40D-4.091, F.A.C., is to incorporate by reference a Memorandum of Understanding Between the Southwest Florida Water Management District (District) and the Environmental Protection Commission of Hillsborough County (EPC) Regarding Coordination of Regulatory Activities.

SUMMARY: The District and EPC both have authority to regulate activities affecting wetlands and surface waters in Hillsborough County. In the interest of improving efficiency and eliminating duplicative regulation, the District and EPC have entered into a Memorandum of Understanding Regarding

Coordination of Regulatory Activities. This agreement provides that wetland delineations conducted by one entity under the specified conditions will be accepted by the other entity for Environmental Resource Permitting review and evaluation purposes. Information on wetland delineations will be shared between the District and EPC. Additionally, EPC will conduct compliance investigations involving activities in wetlands or surface waters, and will monitor compliance with Environmental Resource Permit mitigation requirements within Hillsborough County. The proposed rule amendment will incorporate the Memorandum of Understanding into the District's rules.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-4.091, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

**SPECIFIC AUTHORITY:** 373.044, 373.046, 373.113, 373.171, 373.414 FS.

**LAW IMPLEMENTED:** 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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:** Margaret Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

**THE FULL TEXT OF THE PROPOSED RULE IS:**

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (4) No change.

(5) Memorandum of Understanding Between the Southwest Florida Water Management District and The Environmental Protection Commission of Hillsborough County Regarding Coordination of Regulatory Activities, dated October 19, 2005.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Clark Hull, Director, Environmental Resource Permitting Program, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4302.

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Governing Board of the Southwest Florida Water Management District

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** May 24, 2005

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** July 15, 2005

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

**RULE TITLE:** Minimum Flows **RULE NO.:** 40D-8.041

**PURPOSE AND EFFECT:** To amend Rule 40D-8.041, F.A.C., to incorporate minimum flows for the middle segment of the Peace River pursuant to Section 373.042, Florida Statutes.

**SUMMARY:** The proposed minimum flows are based on limiting potential changes in aquatic and wetland habitat availability that may be associated with seasonal changes in flow. The District has identified seasonal low, medium and high flow periods for the establishment of minimum flows for the middle Peace River. Short-term minimum flow compliance standards are proposed for each of these periods using a "building block" approach. The long-term compliance standards are established based on the application of the Minimum Flows to the lowest anticipated natural flow conditions.

Minimum Flows for the middle Peace River are seasonal and flow dependent. Two standards are flow-based and applied continuously, regardless of season. The first is a Minimum Low Flow threshold of 67 cfs at the Arcadia Gage. The second is a Minimum High Flow threshold of 1,362 cfs at the Arcadia Gage. The Minimum High Flow is based on changes in the number of days of inundation of floodplain features. There are also three seasonally dependent or Block-specific Minimum Flows. The period of Block 1 Minimum Flows is April 20 through June 25. Block 2 Minimum Flows is October 27 of one

year to April 19 of the next. Both are based on potential changes in habitat availability for fish species and macroinvertebrate diversity. Block 3 Minimum Flows is the period from June 26 to October 26, and is based on changes in the number of days of connection with floodplain features.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 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: Karen Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) Minimum Flows for the Lower Hillsborough River.

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

(2)(3) No change.

(3) Minimum Flows for Middle Peace River.

(a) The Minimum Flows are to ensure that the minimum hydrologic requirements of the water resources or ecology of the natural systems associated with the river are met.

(b) Minimum Flows for the middle Peace River at the USGS Peace River Arcadia Gage ("Arcadia Gage") are set forth in Table 8-6 below. The long-term compliance standards set forth in Table 8-7 are established based on the application of the Minimum Flows to the lowest anticipated natural flow conditions. Minimum Flows for the middle Peace River are both seasonal and flow-dependent. Two standards are flow-based and applied continuously regardless of season. The first is a Minimum Low Flow threshold of 67 cfs at the Arcadia Gage. The second is a Minimum High Flow threshold of 1,362 cfs at the Arcadia Gage. The Minimum High Flow is based on changes in the number of days of inundation of floodplain features. There are also three seasonally dependent or Block-specific Minimum Flows. The Block 1 and Block 2 Minimum Flows are based on potential changes in habitat availability for fish species and macroinvertebrate diversity. The Block 3 Minimum Flow is based on changes in the number of days of connection with floodplain features.

Period	Effective Dates	Where Flow on Previous Day Equals:	Minimum Flow Is
Annually	January 1 to December 31	<p>≤67</p> <p>&gt;67cfs and &lt;1,362</p> <p>&gt;1,362</p>	<p>67 cfs</p> <p>Seasonally dependent – see Blocks below</p> <p>Previous day flow minus 8%</p>
Block 1	April 20 to June 25	<p>≤67</p> <p>&gt;67 cfs and &lt;75cfs</p> <p>&gt;75 cfs and &lt;1,362</p> <p>&gt;1,362</p>	<p>67 cfs</p> <p>67 cfs</p> <p>previous day flow minus 10%</p> <p>previous day flow minus 8%</p>
Block 2	October 27 to April 19	<p>≤67</p> <p>&gt;67 cfs and &lt;82 cfs</p> <p>&gt;82 cfs and &lt;1,362</p> <p>&gt;1,362</p>	<p>67 cfs</p> <p>67 cfs</p> <p>previous day flow minus 18%</p> <p>previous day flow minus 8%</p>
Block 3	June 26 to October 26	<p>≤67 cfs</p> <p>&gt;67 cfs and &lt;73 cfs</p> <p>&gt;73 cfs and &lt;1,362 cfs</p> <p>&gt;1,362</p>	<p>67 cfs</p> <p>67 cfs</p> <p>previous day flow minus 13%</p> <p>previous day flow minus 8%</p>

(c) Compliance – The Minimum Flows are met when the flows in Table 8-7 are achieved.

<u>Table 8-7 Compliance Standards for Middle Peace River at Arcadia Gage</u>		
<u>Minimum Flow</u>	<u>Hydrologic Statistic</u>	<u>Flow (cfs)</u>
<u>Annual Flow (January 1 through December 31)</u>	<u>10-Year Mean</u>	<u>547</u>
	<u>10-Year Median</u>	<u>243</u>
	<u>5-Year Mean</u>	<u>534</u>
	<u>5-Year Median</u>	<u>196</u>
<u>Block 1 (April 20 through June 25)</u>	<u>10-Year Mean</u>	<u>219</u>
	<u>10-Year Median</u>	<u>121</u>
	<u>5-Year Mean</u>	<u>160</u>
<u>Block 2 (October 27 through April 19)</u>	<u>5-Year Median</u>	<u>64</u>
	<u>10-Year Mean</u>	<u>359</u>
	<u>10-Year Median</u>	<u>182</u>
<u>Block 3 (June 26 through October 26)</u>	<u>5-Year Mean</u>	<u>300</u>
	<u>5-Year Median</u>	<u>122</u>
	<u>10-Year Mean</u>	<u>977</u>
	<u>10-Year Median</u>	<u>631</u>
	<u>5-Year Mean</u>	<u>790</u>
	<u>5-Year Median</u>	<u>382</u>

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martin Kelly, Manager, Ecological Section, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4235  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Medicaid**

RULE TITLE: Payment Methodology for Outpatient Hospital Services  
 RULE NO. 59G-6.030

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective July 1, 2005, to provide the following changes in compliance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 194:

- Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. Effective July 1, 2005 through June 30, 2006, these hospitals that qualify under this provision will receive an interim amount equal to 50 percent of the benefit of being exempt from the application of these ceilings, except any public hospital that meets the 11 percent threshold using an average of the 1999, 2000 & 2001 audited DSH data that is available shall not receive a reduction in the amount of their payments as a result of eliminating the outpatient reimbursement ceilings. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available. Any hospital that met the 11 percent threshold in State Fiscal Year 2004-2005 and was also exempt from the outpatient reimbursement ceilings shall remain exempt from the outpatient reimbursement ceilings for State Fiscal Year 2005-2006, subject to the payment limitations imposed in this paragraph.
- Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2. Effective July 1, 2005 through June 30, 2006, these hospitals will receive an interim amount equal to 50 percent of the benefit of being excluded from the application of an inpatient ceiling.
- Effective July 1, 2005, the outpatient reimbursement ceilings shall be eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2005 or

become a designated or provisional trauma center during State Fiscal Year 2005-2006. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

- 4. Interim payments regarding the elimination of reimbursement ceilings shall be increased up to 100% of the benefit of being exempt from the application of these ceilings should the hospital inpatient upper payment limit change to support such an increase. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II Neonatal Intensive Care Units located in Trauma Services Area: The restoration of the inpatient rates is contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in inpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction.
- 5. Effective July 1, 2005 the Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling or county ceiling target rate to achieve a recurring reduction of \$16,796,807 from inflationary and other price level increases.
- 6. Updates to the outpatient hospital revenue center codes.

SUMMARY: The proposed rule change to Rule 59G-6.030, F.A.C., incorporates revisions to the Florida Title XIX Outpatient Hospital Reimbursement Plan. The rule change is in accordance with the 2005-06 General Appropriations Act for outpatient hospital reimbursement rates and ceilings. The outpatient revenue center codes are also updated for accuracy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., December 6, 2005

PLACE: 2727 Fort Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THIS PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XIII~~ XIV Effective date: \_\_\_\_\_ ~~July 4, 2005~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, 7-4-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Robert Butler

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2005

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums, and Mobile Homes**

RULE TITLE: Developer, Defined RULE NO.: 61B-15.007

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify that the offering of units in a condominium consisting of seven or fewer units is not an offering in the ordinary course of business and does not trigger the requirement to file documents with the division.

SUMMARY: Section 718.103(23), F.S., provides that a residential condominium consists of two or more units. Section 718.501, F.S., provides that the division's authority under

Chapter 718, F.S., is limited to residential condominiums. Section 718.502, F.S., provides that a developer of a residential condominium or mixed use condominium must file with the division every document that will or must be provided to a purchaser. Rule 61B-15.007, F.A.C., provides that there is a presumption that the developer is offering in the ordinary course of business – triggering the filing requirement – when the developer offers more than seven parcels (units) in a year. The division wishes to reword the presumption language and clarify that the converse is also true; that the offering of seven or fewer parcels is not an offering in the ordinary course of business and does not trigger a filing requirement with the division. However, developers of condominiums with seven or fewer total units would still have to file a notice of recording information and pay annual fees and would be subject to the division's enforcement authority as provided in Section 718.501, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.501, 718.502, 718.505 FS.

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

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

PLACE: Warren Building Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-15.007 Developers, Defined.

(1) For purposes of Sections 718.202, 718.502, 718.503, ~~and 718.504, and 718.505~~, Florida Statutes, and Rule ~~subsection 61B-23.003(9)~~, Florida Administrative Code, the term developer includes, subject to the exceptions provided in Section 718.103~~(16)(14)~~, Florida Statutes, or these rules:

(a) through (c) No change.

(2) The following constitutes “offering condominium parcels in the ordinary course of business” for filing purposes, as defined by subsection 61B-15.0011(4), Florida Administrative Code. ~~For purposes of the above definitions, one is presumed to offer condominium parcels for sale or lease in the ordinary course of business where that person:~~

(a) Offers more than 7 parcels, or for condominiums comprised of less than 70 parcels, where that person offers more than 5 parcels in the condominium within a period of 1 year; or,

(b) Participates in a common promotional plan that which offers more than 7 parcels within a period of 1 year. A person is not, however, deemed to have participated in a plan merely by virtue of providing financial contributions or professional or brokerage services.

(3) ~~Notwithstanding the above, the presumption that one is not offering condominium units in the ordinary course of business will not apply for filing purposes, as defined by subsection 61B-15.0011(4), Florida Administrative Code,~~ where all of the units are offered and conveyed to a single purchaser in a single transaction. An example of such a transaction would be a financial lending institution receiving title to a number of condominium units through foreclosure or deed in lieu of foreclosure and then conveying all of such units to another person. In such circumstances, the lending institution would not be deemed to be a developer for filing purposes. However, such entity shall, upon the conveyance to a single purchaser, notify the division in writing of the identity and business address of the purchaser, the name of the condominium involved, the date of the conveyance and the number of units conveyed.

(4) For purposes of filing with the division, as defined by subsection 61B-15.0011(4), Florida Administrative Code, one is not offering condominium parcels for sale or lease in the ordinary course of business where that person offers parcels in a condominium that consists of 7 or fewer residential units including all residential units planned in a phase condominium and all residential units planned within a multi-condominium. However, this shall not relieve the developer of

the duty to file a notice of recording information and pay annual fees as required by Sections 718.104(2), 718.403(8), and 718.501(2)(a), Florida Statutes, and subsection 61B-17.001(3), Florida Administrative Code.

(5) This rule applies to developer filing requirements and shall not exempt a developer from complying with all other provisions of the Condominium Act where the developer is offering fewer units than specified in this rule.

Specific Authority 718.501 FS. Law Implemented 718.103(2); (11),(12) (14),(16), (23) (47), 718.104(2), 718.106(2); 718.403(8), 718.502-5054 FS. History—New 10-1-85, Formerly 7D-15.07, Amended 1-27-87, 7-10-88, 3-21-89, 6-13-89, Formerly 7D-15.007, Amended 11-14-95, 12-23-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rudolph Prinz, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums, and Mobile Homes**

RULE TITLE: Declarations  
RULE NO.: 61B-18.0051

PURPOSE AND EFFECT: The purpose of this rule amendment is to require a condominium developer to provide individual unit or unit type square footage and the total square footage of all units to allow the purchaser and the division to verify the correctness of percentages of ownership and annual assessments. The lack of square footage information makes it necessary for the bureau to request such information to complete its review of the documents. This slows the review process. More importantly, incorrect percentages of ownership have generated compliance actions within the division.

SUMMARY: Pursuant to Section 718.104(4)(f) and (g), F.S., the declaration of condominium must state that the percentage of ownership of the common elements and common surplus is calculated upon either the square footage method (square footage of one residential unit in proportion to total square footage of all residential units) or on an equal fractional basis (one unit out of a total of 10 units would have a 1/10 percentage of ownership). The same is required in a mixed-use condominium. See Section 718.404(3), F.S.

Pursuant to Section 718.504(2), F.S., the condominium prospectus must provide an explanation of the manner in which the apportionment of common expenses and ownership of

common elements will be determined. Section 718.502(5), F.S., provides that the division may require additional disclosure as deemed necessary to fully or fairly disclose all aspects of the offering.

The perimetrical boundary method is the accepted method of measuring square footage and is based upon the developer's legal description of the boundaries of the unit (e.g., whether the unit includes or excludes the interior portion of the wall). Section 718.501(1)(f), FS, provides: "The division has authority to adopt rules pursuant to Sections 120.536(1) and 120.54, F.S., to implement and enforce the provisions of this chapter." Section 718.502(1)(c), F.S., provides: "The division by rule may develop filing, review, and examination requirements and relevant timetables to ensure compliance with the notice and disclosure provisions of this section."

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.  
LAW IMPLEMENTED: 718.104(4)(f),(g), 718.404(3), 718.504(2), 718.502(5), 718.502, 718.503, 718.504 FS.

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

TIME AND DATE: 9:00 a.m., December 5, 2005  
PLACE: Warren Building, Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-18.0051 Declarations.

A declaration of condominium in which percentage of ownership is not based upon an equal fractional basis shall include the square footage within each unit or unit type based on the perimetrical boundaries ascribed to each unit or unit type or the dimensions of each unit as elsewhere provided in the declaration of condominium or the survey or graphical description, as well as the total square footage of all units combined.

Specific Authority 718.501(1)(f) FS. Law Implemented 718.104(f), (g) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rudolph Prinz, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums, and Mobile Homes**

RULE TITLE: Notices of Intended Conversion

RULE NO.: 61B-24.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide time periods in which the division and the condominium filing developer must perform an action required by statute.

SUMMARY: Rule 61B-24.002, F.A.C., provides the specific time period in which the division must review the content of a notice of intended conversion filing (35 days) and notify the developer of any deficiencies in the filing. The rule also provides the time period in which the developer must correct the deficiencies (35 days) and the time period in which the division must respond to the corrections (20 days). However, the period of 35 days is overly long for the type of filing involved and should be shortened. In addition, the division desires to consolidate the various time periods related to

different filing types between program areas to simplify that aspect of the business process. Using "20 days" for all three time periods will achieve that goal.

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

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

SPECIFIC AUTHORITY: 718.501(1)(f), 718.608(5), 718.621 FS.

LAW IMPLEMENTED: 718.608(5) FS.

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

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

PLACE: Warren Building Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-24.002 Notices of Intended Conversion.

(1) Prior to delivery to tenants, each developer of a conversion shall file with the division and receive acceptance of its notice of intended conversion.



(a) After the division receives a proposed notice of intended conversion and the \$100 filing fee it shall, within ~~20~~ ~~35~~ days, inform the developer by mail that the division has accepted the notice or reviewed the notice and determined specific deficiencies.

(b) The developer shall have ~~20~~ ~~35~~ days from the date of the division’s notification of deficiencies in the notice to correct such deficiencies.

(c) The division shall notify the developer within 20 days from receipt of a corrected notice whether the corrected notice remains deficient or whether the corrected notice is accepted.

(2) through (8) No change.

Specific Authority 718.501(1)(f), 718.608(5), 718.621 FS. Law Implemented 718.608(5) FS. History—New 7-2-81, Formerly 7D-24.02, Amended 4-1-92, Formerly 7D-24.002, Amended 12-23-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rudolph Prinz, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums, and Mobile Homes**

RULE TITLE: Procedure for Filing and Examination of Documents  
RULE NO.: 61B-79.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide missing time periods in which the division and the cooperative developer must perform an action required by statute related to the review and approval of cooperative filings. The rule amendment also removes a duplicative form review process that can be performed as part of the content review.

SUMMARY: Currently, the division performs form review of cooperative documents and the developer may not offer the cooperative units until the division issues an acceptance letter “for form.” This procedure was previously used in the condominium program area but was eliminated in 2001 as a streamlining measure. Similarly, the division wishes to eliminate the separate form review process for cooperatives. As with the condominium and timeshare program areas, the division would perform the form review within the same time period allowed for the substantive (content) review.

Currently, there are currently no specific time periods in statute or rule for the review of cooperative filings. The division uses the condominium time periods as a guide for cooperative reviews. To simplify the business process, the division has filed several rule proposals to consolidate the various time periods related to the review of different filing types between program areas (for example, condominium reservation programs, cooperative reservation programs, timeshare reservation programs, etc). The new rule would provide time periods identical to those provided for the review of condominium documents.

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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 719.501(1)(f), 719.502(1)(b), 719.621 FS.

LAW IMPLEMENTED: 719.202, 719.502, 719.503, 719.504, 719.608 FS.

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

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

PLACE: Warren Building Meeting Room #B03, 201 W. Bloxham Street, Tallahassee, FL.

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-79.002 Procedure for Filing and Examination of Documents.

(1) No change.

(2)(a) No change.

~~(b) Upon the completion of review for correct form, the division will notify the developer or its agent of the status of the filing by mail. The notice shall state whether the filing is acceptable or unacceptable for purposes of the examination process. If notice is not given within 10 business days after receipt of the filing, the filing is presumed to be in correct form for purposes of the examination process. If the filing is not considered to be in correct form, the division shall notify the developer or its agent and specifically state the reasons for not accepting the filing.~~

(c) through (f) renumbered (b) through (e) No change.

(3) Time periods for review and correction of filings.

(a) Reservation program filing. Within 20 days from receipt of the developer's filing, the division shall notify the developer or its agent by mail of any filing deficiencies or that the filing is accepted. The developer shall have 20 days from the date of the division's notification of deficiencies in the filing to correct any deficiencies noted by the division. The division shall have 20 days from the receipt of corrected documents to notify the developer of further filing deficiencies or of the acceptability of the corrections.

(b) Cooperative filing. Within 45 days from receipt of the developer's filing, the division shall notify the developer or its agent by mail of any filing deficiencies or that the filing is accepted. The developer shall have 45 days from the date of the division's notification of deficiencies in the filing to correct any deficiencies noted by the division. The division shall have 30 days from the receipt of corrected documents to notify the developer of further filing deficiencies or of the acceptability of the corrections.

(c) Amendment filing. Within 35 days from receipt of the developer's filing, the division shall notify the developer or its agent by mail of any filing deficiencies or that the filing is accepted. The developer shall have 20 days from the date of the division's notification of deficiencies in the filing to correct any deficiencies noted by the division. The division shall have 20 days from the receipt of corrected documents to notify the developer of further filing deficiencies or of the acceptability of the corrections.

(d) Notice of intended conversion filing. Within 20 days from receipt of the developer's filing, the division shall notify the developer or its agent by mail of any filing deficiencies or that the filing is accepted. The developer shall have 20 days from the date of the division's notification of deficiencies in the filing to correct any deficiencies noted by the division. The division shall have 20 days from the receipt of corrected documents to notify the developer of further filing deficiencies or of the acceptability of the corrections.

(e) If the division fails to notify the developer within the time periods specified in this rule, the filing shall be considered proper for purposes of Section 719.502(1)(a), Florida Statutes, but shall not exempt the developer from compliance with all other provisions of the Cooperative Act or preclude any purchaser remedies afforded by the act.

(f) If the developer does not correct deficiencies within the specified time period and does not timely request an extension of time, the division shall reject the filing and no further offers may be made. The developer will not be granted more than four (4) extensions in a particular filing. If a filing is rejected, the developer, when subject to the requirements of Section 719.202, Florida Statutes, shall, within 45 days of issuance of the final order of rejection, provide the division with a complete accounting of any deposits collected pursuant to the rejected documents. The developer shall also, immediately and in writing, notify all purchasers under contract of the rejection and shall offer immediate refund of deposits collected, as well as interest as appropriate, under the contracts. A complete refiling of the documents pursuant to the requirements of Chapter 719, Florida Statutes, and these rules, including the payment of filing fees, will be required prior to any additional offerings.

Specific Authority 719.501(1)(f), 719.502(1)(b), 719.621 FS. Law Implemented 719.202, 719.502, 719.503, 719.504, 719.505, 719.506, 719.608 FS. History--New 1-8-98, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Rudolph Prinz, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Applications  
PURPOSE AND EFFECT: The proposed rule amendment is intended to address the requirements for HIV/AIDS continuing education.

RULE NO.:  
64B8-4.009

SUMMARY: The proposed rule amendment clarifies the criteria for completion of the required HIV/AIDS continuing education.

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: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) through (7) No change.

(8) The applicant must submit statements attesting to the following:

(a) Completion of three hours of ~~all Category I, American Medical Association~~ Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. This continuing medical education shall be approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) through (c) No change.

(9) No change.

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES: Disciplinary Guidelines  
Citation Authority

RULE NOS.: 64B8-8.001  
64B8-8.017

PURPOSE AND EFFECT: The proposed rule amendments are intended to address changes in the disciplinary guidelines and changes in the citation rule.

SUMMARY: The proposed rule amendments to Rule 64B8-8.001, F.A.C., clarify statutory and rule references with regard to violations. The proposed amendments to Rule 64B8-8.017, F.A.C., reduce citation penalties for failure to document certain CME requirements.

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

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

SPECIFIC AUTHORITY: 456.077, 458.309 FS.

LAW IMPLEMENTED: 456.072(2)(d), 456.077 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-8.001 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

VIOLATION

- (a) through (w) No change.
- (x)1. Violation of law, rule or failure to comply with subpoena. (458.331(1)(~~nn~~), F.S.) (456.072(1)(b), (q), F.S.)
- 2. Violation of an order of the Board. (458.331(1)(x), F.S.)

(y) through (ss) No change.

(3) through (7) No change.

Specific Authority 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04,\_\_\_\_\_.

64B8-8.017 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall

VIOLATIONS

- (a) CME violations. (Sections 458.321, 458.331(1)(g), (x), 456.072(1)(e), (s), F.S.)

- 1. Failure to document required HIV/AIDS and related infections of TB CME.
- 2. Failure to document required domestic violence CME.
- 3. Failure to document required medical errors CME.
- 4. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence and medical errors CME.
- 5. No change.
- (b) through (p) No change.
- (4) through (5) No change.

Specific Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History—New 12-20-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03, 7-24-04, 2-7-05,\_\_\_\_\_.

FIRST OFFENSE

- (x)1. For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.
- 2. Reprimand and an administrative fine from \$5,000.00 to \$10,000.00, to revocation or denial based upon the severity of the offense and the potential for patient harm.

SECOND OFFENSE

- (x)1. From probation to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.
- 2. From suspension and a \$10,000.00 fine or denial to revocation.

include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(1) through (2) No change.

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

PENALTY

Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND ~~\$250~~ \$500 fine

~~\$250~~ \$500 fine  
~~\$250~~ \$500 fine  
~~\$500~~ \$1,000 fine

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements

RULE NO.: 64B8-8.002

PURPOSE AND EFFECT: The proposed rule amendments are intended to address time frames for completion of requirements imposed by Board order.

SUMMARY: The proposed rule amendments set forth the time frames for completion of requirements which are imposed by Board order.

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

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

SPECIFIC AUTHORITY: 456.072(2), 458.309 FS.

LAW IMPLEMENTED: 456.072(2) 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-8.002 Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements.

(1) In cases where the Board of Medicine imposes a civil penalty or an administrative fine for violation of Chapter 456 or 458, Florida Statutes, or the rules promulgated pursuant thereunder, the penalty shall be paid within thirty (30) days of its imposition by Order of the Board unless a different time frame is set forth in the Order.

In addition, any costs imposed by Order of the Board shall be paid within thirty (30) days unless a different time frame is set forth in the Order.

(2) Unless otherwise specified in the Board's Order, the time frames for completion of the requirements are as follows:

(a) FMA sponsored medical records course is to be completed within one year from the date the Order is filed;

(b) USF sponsored prescribing course is to be completed within one year from the date the Order is filed;

(c) Continuing medical education is to be completed within one year from the date the Order is filed;

(d) Community service is to be completed within one year from the date the Order is filed.

(e) Quality assurance (risk management) reviews of practice shall be required within four (4) months from the date the Order is filed and compliance with any and all recommendations shall be required within four (4) months following the quality assurance review.

(f) UF CARES or Board-approved equivalent evaluations shall be required within four (4) months from the date the Order is filed and compliance with any and all recommendations of the evaluation shall be required to be completed and compliance demonstrated within eight (8) months following the evaluation.

(g) Lectures imposed by Order of the Board shall be completed and documentation submitted within one (1) year from the date the Order is filed.

(h)(e) Reports to the Board's Probationer's Committee shall be made quarterly.

Specific Authority 456.072(2), 458.309 FS. Law Implemented 456.072(2) FS. History--New 10-23-80, Formerly 21M-20.02, Amended 9-7-92, Formerly 21M-20.002, 61F6-20.002, 59R-8.002, Amended 7-10-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES: Hardship Extensions and Exemptions to

Cash Assistance Time Limit	65A-4.201
Calculation of Assistance Time Limits	65A-4.202
Determination of Continued Eligibility	65A-4.219

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

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

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: 414.45 FS.

LAW IMPLEMENTED: 414.105 FS.

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

TIME AND DATE: 10:30 a.m., December 14, 2005

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jennifer Lange, Chief of Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Bldg. 3, Room 450, Tallahassee, Florida 32399-0700, telephone (850)921-0253

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-4.201 Criteria for Hardship Extensions and Exemptions to Cash Assistance Time Limitations.

(1) Hardship Extension and Exemption Determinations. An extension to or exemption from the time limit for receipt of temporary cash assistance (TCA) cannot be authorized until a hardship ~~extension~~ review, using the CF-ES 2082, Hardship Extension/Exemption Review Form, Sep 2005 ~~00~~, incorporated by reference, is completed by the department and the regional workforce board (RWB) or its designee and a favorable decision is made about the existence of a hardship such as a community review panel or the administrative entity's director or staff. A The recommendation, if appropriately made, and the decision about as to hardship eligibility extension will be based on the criteria established in this rule (~~65A-4.201~~) and Section 414.105, F.S.

(2) The department will be responsible for:

(a) Determining that the ~~correct~~ TCA time limit is correct ~~was assigned~~.

~~(b) Reviewing the case for earned months of TCA assistance. If available, earned months are to be used prior to requesting a hardship extension. Participants will be eligible to apply after earned months have been used.~~

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

(3) The RWB or its designee will be responsible for reviewing the participant's potential to obtain and retain employment potential and assessing if the participant is recommended for a hardship extension or exemption. The RWB or its designee will document the review on the CF-ES Form 2082 and have the participant sign the form and indicate if an extension or exemption is being requested.

~~(a) Discussion with the participant about a hardship extension will occur during an employment or request for a hardship extension review conducted by the contracted career manager. The contracted career manager will document the interview with the participant on the (CF-ES Form 2082) (incorporated by reference) to indicate that the information on the form has been discussed with the participant. The participant will sign the form to indicate whether or not an extension is requested.~~

~~(4)(b)~~ A participant who did not request a hardship extension or exemption when at the time the initial original Hardship Extension/Exemption Review Form was signed may subsequently request a hardship extension or exemption by completing the hardship ~~extension~~ review process ~~of this rule using the CF-ES 2082~~. If the individual has not received TCA benefits or services for more than 30 days, the CF-ES 2337 2066, ACCESS Florida Application, Aug 2005 Request for Assistance, Jun 98, incorporated by reference, in Administrative Rule 65A-400, must also be completed.

~~(5)(4)~~ Upon documentation of a pending SSI or SSDI application or appeal, individuals who are not receiving TCA benefits because of the 48-month lifetime they have used their periodic 24/60 month or 36/72 month time limit must be granted an hardship extension of the time limit until a final determination is made pursuant to Section 414.105(8), F.S.

~~(6)(5)~~ Hardship exemption criteria. Criteria for hardship exemptions are stated in Section 414.105, F.S. ~~The criteria for teen parents receiving cash assistance as adults and subject to time limits.~~

~~(7)(6)~~ Diligent participation. To meet the diligent participation criteria, the participant must: have no more than one work sanction imposed in the last eighteen months of receipt of cash assistance; and be in satisfactory compliance with the individual responsibility plan as determined by the RWB or its designee's contracted career manager.

~~(8)(7)~~(a) through (c) No change.

(d) An individual was temporarily unable to participate in assigned work activities due to circumstances beyond their control as determined by the RWB or its designee. Examples are caring for a disabled family member when the need for care was verified and alternate care was not available.

~~(9)(8)~~ No change.

~~(10)(9)~~ The RWB or its designee will forward to the department a copy of the completed CF-ES 2082 that includes a recommendation for approval and recommended length of the extension or exemption or denial of a hardship extension or exemption. If all hardship criteria is met, the department will approve the participant for continued receipt of TCA for the amount of time recommended by the RWB.

~~(11)(10)~~ Hearing rights. Participants whose cash assistance is terminated because they have reached their lifetime limits and have been denied a hardship extension or exemption may request a fair hearing in accordance with Chapter 65-2, F.A.C., Part IV, Hearings. Cash assistance may be continued when the request for a hearing is received within 10 calendar days from the notice of case action. The assistance group must repay cash assistance if the hearing decision is in favor of the department.

~~(12)(11)~~ Review of Hardship Extension and Exemption Cases. A review of hardship extension and exemption cases must be completed at least once every two years using the hardship extension and exemption review process of this rule, except for domestic violence cases which ~~that~~ must be redetermined no less often than reviewed every six months in accordance with 45 CFR, Part 260, Section 260.55(b).

Specific Authority 414.45 FS. Law Implemented 414.105 FS. History--New 9-28-98, Amended 5-27-01, \_\_\_\_\_.

65A-4.202 Calculation of Assistance Time Limits.

Specific Authority 414.45 FS. Law Implemented 414.105(3) FS. History--New 1-27-99, Amended 6-20-01, Repealed \_\_\_\_\_.

65A-4.219 Determination of Continued Eligibility.

Specific Authority 414.45 FS. Law Implemented 414.095 FS. History--New 1-31-94, Formerly 10C-1.503, Amended 7-2-03, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lonna Cichon, Government Operations Consultant II  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Kim Shaver, Director  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: November 1, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 24, 2005

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Substance Abuse and Mental Health Programs**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Cost Principles	65E-14.017
Unit Cost Method of Payment	65E-14.021

**PURPOSE AND EFFECT:** The purpose of the amendments is to make improvements and corrections to the substance abuse and mental health contracting system and financial rule, based upon input from departmental staff.

**SUMMARY:** Amendments are made to Chapter 65E-14, F.A.C. to: update a reference as how the method of depreciation is followed; add a clarification as to how the Mental Health Clubhouse staff hours shall be paid; add language pertaining to how Day-Night services are to be provided to resolve a conflict with paragraph 65D-30.002(16)(e), F.A.C.; add language to the Crisis Support/Emergency, Intervention services and Outpatient services descriptions that allows the maximum rate to be paid for these services during a Governor’s Emergency Declaration for natural or man-made disasters; add a clarification to the description of the Prevention/Intervention-Day services cost center that includes in the cost center children and adolescents in non-school based programs or the Florida Youth Initiative Program; add a new cost center for Direct Administrative Expense for use in TANF Adult Mental Health and Adult Substance Abuse managing entity contracts; add a new cost center for Direct Administrative Expense for contract oversight services; add Aftercare and Intervention services, to the list of services eligible for special rates for group treatment; add a new section on alternative method of payment for use under conditions of a Governor’s Emergency Declaration for natural or man-made disasters; and add an updated form for the Monthly Request for Non-TANF Payment.

**SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST:** An estimate of the regulatory cost was not prepared for this rule.

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

**SPECIFIC AUTHORITY:** 394.78(1), 397.321(5) FS.

**LAW IMPLEMENTED:** 216.181(16), 394.66(9), (12), 394.74(2)(b), (3)(d), (e), (4), 394.77, 394.78(1), (6), 397.321(10), 402.73(7) 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: Amy Johnson, Senior Management Analyst Supervisor, The Department of Children and Families, 1317 Winewood Blvd., Building 6, Room 233, Tallahassee, Florida, (850)413-0934, e-mail: amy\_johnson@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

65E-14.017 Cost Principles.

(1) through (4) No change.

4. Where depreciation method is followed, the period of useful service, useful life established in accordance with guidelines as published by the American Hospital Association, Revised 2004 Edition ~~1973 Edition~~ of the “Estimated Useful Lives of Depreciable Hospital Assets” ~~Chart of Accounts for Hospitals, “Estimated Useful Life of Land Improvements, Buildings and Fixed Equipment.”~~ The method of depreciation used to assign the cost of an asset, or group of assets, to accounting periods shall reflect the pattern of consumption of the asset during its useful life. In the absence of clear evidence indicating that the expected consumption of the asset will be significantly greater in the early portions of its useful life than in the later portions, the straight-line method shall be presumed to be the appropriate method. Depreciation methods once used shall not be changed unless approved in advance by the department. When the depreciation method is introduced for application to assets previously subject to a use allowance, the combination of use allowances and depreciation applicable to such assets must not exceed the total acquisition cost of the assets. When the depreciation method is used for buildings, a building’s shell may be segregated from each building component, for example, plumbing system, heating, and air conditioning system, etcetera, and each item depreciated over its estimated useful life; or the entire building, that is, the shell and all components, may be treated as a single asset and depreciated over a single useful life.

5. through (ss) No change.

Specific Authority 394.78(1), 397.321(5) FS. Law Implemented 394.74, 394.77, 394.78(1), 397.481 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.17, Amended 7-29-96, Formerly 10E-14.017, Amended 9-17-97, 7-1-03,\_\_\_\_\_.

65E-14.021 Unit Cost Method of Payment.

(1) through (5)(a)9. No change.

10. Clubhouse Staff Hour. This unit of measure represents an hour of staff time in which one or more persons (Clubhouse members) are being provided with a service or activity within the Clubhouse or away from the Clubhouse. It may also include staff time spent on behalf of members away from the facility, such as, developing employment prospects or exploring housing alternatives. Staff time spent in travel on

behalf of Clubhouse members or activities may also be included. Clubhouse staff hours shall be paid on the basis of utilization.

(b) through (d) No change.

(e) Crisis Support/Emergency.

1. Description – These non-residential care services are generally available twenty-four (24) hours per day, seven (7) days per week, or some other specific time period, to intervene in a crisis or provide emergency care. Examples include: mobile crisis, crisis support, crisis/emergency screening, crisis telephone, and emergency walk-in. During the period of time covered by a Governor’s Emergency Declaration, and in the counties so named in that declaration, the rate for Crisis Support/Emergency services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (f) No change.

(g) Day-Night.

1. Description – Day-Night services provide a structured schedule of non-residential services for four (4) or more consecutive hours per day. Activities for children and adult mental health programs are designed to assist individuals to attain skills and behaviors needed to function successfully in living, learning, work, and social environments. Generally, a person receives three (3) or more services a week. Activities for substance abuse programs emphasize rehabilitation, treatment, and education services, using multidisciplinary teams to provide integrated programs of academic, therapeutic, and family services. For substance abuse services the minimal hours of service required on a weekly basis for this cost center are specified in Chapter 65D-30, F.A.C., Licensure Standards for Substance Abuse Services.

2. through (n) No change.

(o) Intervention.

1. Description – Intervention services focus on reducing risk factors generally associated with the progression of substance abuse and mental health problems. Intervention is accomplished through early identification of persons at risk, performing basic individual assessments, and providing supportive services, which emphasize short-term counseling and referral. The services are targeted toward individuals and families. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Intervention services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (r) No change.

(s) Outpatient.

1. Description – Outpatient services provide a therapeutic environment, which is designed to improve the functioning or prevent further deterioration of persons with mental health and/or substance abuse problems. These services are usually provided on a regularly scheduled basis by appointment, with arrangements made for non-scheduled visits during times of



increased stress or crisis. Outpatient services may be provided to an individual or in a group setting. The group size limitations applicable to the Medicaid program shall apply to all Outpatient services funded through a state substance abuse and mental health program contract. During a period of time covered by a Governor's Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Outpatient services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (v). No change.

(w) Prevention/Intervention – Day.

1. Description – This cost center includes school-based day services for children and adolescents for four (4) or more consecutive hours per day. For children with mental health problems, these services include school-based mental health services for children who have been identified by the school as having, or are at risk of developing, mental health problems. Services are individualized and may be provided in a self-contained classroom, a regular classroom, or as a component of a full service school. For children and adolescents with substance abuse problems, it includes Alpha and Beta targeted prevention programs serving students in grades 4-6 and 6-8, respectively, who are identified as at risk for alcohol or other drug abuse. These services consist of multiple, structured contacts over time to specific individuals or groups identified as having behavioral, biological or environmental at-risk characteristics. These programs promote skills building and reduce the risk of establishing patterns of use. Services are provided through community provider agencies in partnership with county school boards. Counselors provide individual, group, and family counseling, and school personnel implement an intensive education program. This cost center also includes children and adolescents who are at risk of substance abuse problems and receive targeted prevention services in non-school based programs or through the Florida Youth Initiative Program.

2. through (kk) No change.

(ll) Direct Administrative Expense – Temporary Assistance for Needy Families (TANF).

1. Description – Direct Administrative Expense – TANF: These administrative services include approval of TANF eligibility notification form, validation of the invoice, and service validation to assure compliance with TANF guidelines.

2. Programs – Adult Mental Health and Adult Substance Abuse.

3. Unit of Measure – \$50.00.

4. Data Elements:

a. Service Documentation – Time Sheet:

(I) Staff name and identification number;

(II) Pay period;

(III) Job Description;

(IV) Job Title;

(V) Job functions as it pertains to cost center;

(VI) Percentage of performance time;

(VII) Program;

b. Audit Documentation:

(I) Time Sheet;

(II) Staff name and identification number;

(III) Pay period;

(IV) Job Description;

(V) Job Title;

(VI) Job functions as it pertains to cost center;

(VII) Percentage of performance time;

(VIII) Program;

(IX) Payroll records;

(X) Signature of supervisor;

5. Maximum Unit Cost Rate: \$50.00.

(mm) Direct Administrative Expense – Contract Oversight.

1. Description – Direct Administrative Expense – Contract oversight services include maintaining contract and corresponding subcontract files in managing entity contracts. Oversight responsibilities also includes the monitoring of contract deliverables to ensure timeliness and accuracy of submittals and reviewing subcontract monthly billing for accuracy.

2. Programs – Adult Substance Abuse, Adult Mental Health, Children's Substance Abuse, and Children's Mental Health

3. Unit of Measure – \$50.00.

4. Data Elements:

a. Service Documentation – Time Sheet:

(I) Staff name and identification number;

(II) Pay period;

(III) Job Description;

(IV) Job Title;

(V) Job functions as it pertains to cost center;

(VI) Percentage of performance time;

(VII) Program.

b. Audit Documentation.

(I) Time Sheet;

(II) Staff name and identification number;

(III) Pay period;

(IV) Job Description;

(V) Job Title;

(VI) Job functions as it pertains to cost center;

(VII) Percentage of performance time;

(VIII) Program;

(IX) Payroll records;

(X) Signature of supervisor.

5. Maximum Unit Cost Rate: \$50.00.

(8) through (9)(c) No change.

(d) Special Rates for Group Treatment. The state rate for group treatment for Aftercare, Intervention, and Outpatient Services is equal to 25 percent of the state rate for individual Aftercare, Intervention, and Outpatient Services.

(10) through (d) No change.

(e) Alternative Method of Payment for Use Under Conditions of a Governor’s Emergency Declaration for Natural or Man-Made Disasters.

1. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the department may use an alternate method of payment to continue the provision of substance abuse and mental health services in adversely affected counties.

2. The department’s alternate method of payment may, if funds are available, release a prorated monthly share of the contract in the amount of one-twelfth (1/12) of the total annual dollar amount in lieu of the method of payment specified in the contract, based upon a written request from the contractor in the named disaster declaration county.

3. The contractor shall reconcile the total number of service units invoiced provided during the term of the contract with the total service units contracted by the department in the contractor’s final request for payment before the close of the current state fiscal year.

4. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Intervention, Crisis Support and Outpatient services may be paid at the maximum allowable by Chapter 65E-14, F.A.C.

(11) The following form is hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

(a) through (e) No change.

(f) CF-MH 1047, ~~Nov 2003~~ Jul 2005 Monthly request for Non-TANF Payment/Advance, consisting of a two page form and three pages of instructions.

(g) through (j) No change.

Specific Authority 394.78(1), 397.321(5), Law Implemented 216.181(16), 394.66(9), 394.74(2)(b), (3)(d), (e), (4), 394.77, 394.78(1), (6), 397.321(10), 402.73(7) FS. History—New 7-1-03, Amended 12-14-03, 1-3-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Ochalek, Senior Management Analyst Supervisor, SAMH Contracts Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken DeCerchio, MSW, C.A.P., Assistant Secretary for Substance Abuse and Mental Health, and Rod Hall, Ph.D., Program Director of Mental Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005  
Purchase Order No.: PO 13128

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE CHAPTER TITLE: Firefighter Employment Standards  
RULE TITLE: General Guidelines for Firefighter Employer

RULE CHAPTER NO.:

69A-62

RULE NO.:

Comprehensive Safety and Health Programs 69A-62.021

PURPOSE AND EFFECT: All fire departments must have a safety and health program in place. Fire departments found to be in violation of any part of the rules pertaining to firefighter safety must also have a remediation plan, in addition to the safety and health program.

SUMMARY: Fire departments must have safety and health programs and remediation plans must be in place for fire departments in violation of any part of the firefighter safety and health rules.

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 regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 10:00 a.m., December 5, 2005

PLACE: Main Auditorium, Florida State Fire College, 11655 N.W. Gainesville Road, Ocala, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, (352)369-2818

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Angie Cain, (352)369-2818.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by all firefighter employers ~~that are notified by the division that they have a high frequency or severity of~~

~~workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.~~

(1) through (7) No change.

Specific Authority 633.821 FS. Law Implemented 633.821 FS. History--New 9-6-04, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dave Casey, Chief, Bureau of Fire Standards and Training, Florida State Fire College, 11655 N.W. Gainesville Road, Ocala, Florida, (352)369-2800

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Consumer Services**

RULE TITLE:

RULE NO.:

Alternative Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from Hurricane and Tropical Storm Damage

69J-2.001

PURPOSE AND EFFECT: The purpose of the proposed changes is to address comments by the Joint Administrative Procedures Committee.

SUMMARY: The changes address the mediation fee paid by insurers, attorney participation in mediation, and the use of the pricing guidelines.

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

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

SPECIFIC AUTHORITY: 624.308, 626.9611, 627.7015(4) FS. LAW IMPLEMENTED: 624.307(1), (2), (4), (5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS.

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

TIME AND DATE: 10:00 a.m., December 5, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Terfinko, Assistant Director, Division of Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0320, (850)413-5802

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-2.001 Alternative Procedures for Resolution of Disputed Personal Lines Insurance Claims Arising from Hurricane and Tropical Storm Damage.

(1) through (4) No change.

(5) Mediation Costs. Pursuant to Section 627.7015(3), F.S., the insurer shall bear all of the cost of conducting mediation conferences. Mediation costs shall include the administrative fee and the mediator's fee. The Department signed a contract with the Collins Center for Public Policy to schedule and conduct mediation conferences that provides for a \$250 mediator's fee. Within 5 days of receipt of the request for mediation from the insured or receipt of notice of the request from the Department or immediately after receipt of notice from the Administrator pursuant to Subsection (4) that mediation has been requested, whichever occurs first, the insurer shall pay a non-refundable administrative fee ~~of \$100, not to exceed \$100, as determined by the Department,~~ to the Administrator to defer the expenses of ~~the Administrator and the Department.~~ The insurer shall pay the mediator's fee \$250 to the Administrator ~~for the mediator's fee~~ not later than 5 days prior to the date scheduled for the mediation conference. However, if the mediation is cancelled for any reason more than 120 hours prior to the scheduled mediation time and date, the insurer shall pay \$50 to the Administrator for the mediator's fee instead of \$250. No part of the ~~fee for the mediator's fee~~ shall be refunded to the insurer if the conference is cancelled within 120 hours of the scheduled time.

(6) No change.

(7) Conduct of the Mediation Conference.

(a) Section 627.7015, Florida Statutes, provides that mediation is a non-adversarial process held in an informal, non-threatening forum intended to bring the parties together for a settlement conference without the trappings or drawbacks of an adversarial process. As such, it is not necessary to engage involve a private attorney to participate in the mediation conference and participation by private attorneys is discouraged by the Department. If the insured elects to have an attorney participate in the conference, the insured shall provide the name of the attorney to the Administrator at least six days before the date of the conference. Parties and their representatives must conduct themselves in the cooperative spirit of the intent of the law and this rule. Parties and their representatives must refrain from turning the conference into an adversarial process. Both parties must negotiate in good faith. A party will be determined to have not negotiated in good faith if the party, or a person participating on the party's

behalf, continuously disrupts, becomes unduly argumentative or adversarial, or otherwise inhibits the negotiations as determined by the mediator. The mediator shall terminate the conference if the mediator determines that either party is not negotiating in good faith or if the mediator determines that the conference should be terminated under the provisions of Rule 10.420(b) of the Florida Rules for Certified and Court-Appointed Mediators. The party responsible for causing termination shall be responsible for paying the mediator's fee and the administrative fee for any rescheduled mediation.

(8) Guidelines for the Quality Repair of Residential Property at a Reasonable and Fair Price.

(a) The provisions of insurance policies and applicable statutes require claims payments made by insurers to be sufficient to effectuate required repairs. Further, misrepresentation by any person regarding the cost of repairs is also prohibited. ~~The Department of Financial Services has developed construction pricing guidelines based upon information provided by the construction industry, the insurance industry and nationally recognized vendors that compile and sell construction pricing guidelines. Insurers and policyholders participating in mediations conducted pursuant to this rule shall use Form DFS-II-1610 Guidelines for Quality Repair of Residential Property At A Reasonable and Fair Price, rev. 12/04, hereby incorporated and adopted by reference, as guidelines for repairs to residential property arising in any county of this state in which a state of emergency was declared as a result of a hurricane or tropical storm in 2004. These guidelines are not intended to be used in the context of civil litigation. The guidelines reflect data from both the construction and insurance industries and the ranges take into consideration price differentials between geographic areas of the state.~~

(b) Due to the disparity between the contractor's estimates and the insurer's estimates for the repair or replacement of damaged property, the Department collected construction pricing information from the insurance and construction industries to provide some guidelines on the fair market value of construction materials and labor costs taking into consideration price differentials between the geographic areas of the state. These construction pricing guidelines are set forth in Form DFS-II-1610, Guidelines for Quality Repair of Residential Property at a Reasonable and Fair Price, revised 12/04, which are hereby incorporated and adopted by reference. These construction pricing guidelines may be used by the parties and mediators at the mediation conferences to resolve the disparities in repair and replacement cost estimates and to assist in arriving at a mediated settlement of the claim. The construction pricing guidelines are not intended to be used outside of the mediation conferences taking place as a result of the 2004 hurricanes.

~~(c)(b)~~ The guidelines adopted herein do not apply to any portion of repairs necessary to fulfill the insurer's contractual obligation to restore the insured residence to pre-hurricane condition where, as of the effective date of this rule, there is an executed repair contract to effectuate such repairs for an agreed price and the insurer has tendered full payment for the repair contract amount for those repairs.

(9) through (15) No change.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1)(2)(4)(5), 624.316, 624.3161, 624.317, 624.318, 624.320, 624.324, 624.418(2)(a), 624.4211, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History--New 5-18-05, Amended

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2005

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

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

#### DEPARTMENT OF REVENUE

##### Property Tax Administration Program

RULE NO.:	RULE TITLE:
12D-7.003	Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Ex-Service Members, Spouses

#### NOTICE OF CHANGE

Notice is hereby given that the following change has been made to this proposed rule, as published in Vol. 31, No. 40, October 7, 2005, issue of the Florida Administrative Weekly. This change is in accordance with Section 120.54(3)(d)1., F.S. The rule title and paragraph (a) of subsection (2) have been changed so that, when adopted, the rule title and this paragraph will read:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled ~~Ex-Service Members Veterans~~, Spouses.

(2)(a) The \$5,000 exemption granted by Section 196.24, Florida Statutes, to disabled ~~ex-service members, as defined in Section 196.012, Florida Statutes, who were discharged under honorable conditions, veterans~~ shall be considered to be the same constitutional disability exemption provided for by

Section 196.202, Florida Statutes. The unmarried surviving spouse of such a disabled ex-service member veteran who was married to the ex-service member veteran for at least 5 years at the time of the ex-service member's veteran's death is allowed the exemption.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-15  
RULE NO.: 14-15.0081  
RULE CHAPTER TITLE: Incorporation by Reference  
RULE TITLE: Toll Facilities Description and Toll Rate Schedule

**CHANGE NOTICE/NOTICE OF RESCHEDULED HEARINGS**

SUMMARY OF CHANGE: Due to the recent hurricane, the public hearings for this proposed toll rate increase for I-75/Alligator Alley have been rescheduled as follows:  
DATE AND TIME: December 8, 2005, Informal Meeting at 6:00 p.m., Formal Public Hearing begins at 6:30 p.m.  
PLACE: City of Davie, Police Station Public Meeting Room, 1230 South Nob Hill Road, Davie, Florida  
DATE AND TIME: December 14, 2005, Informal Meeting at 6:00 p.m., Formal Public Hearing begins at 6:30 p.m.  
PLACE: Naples Airport Conference Room, 200 Aviation Drive North, Naples, Florida  
Notice was published in Florida Administrative Weekly, Vol. 31, No. 43, October 28, 2005.

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.: 61G17-6.002  
61G17-6.003  
61G17-6.004  
RULE TITLES: Definitions  
General Survey, Map, and Report Requirement  
Specific Survey, Map, and Report Requirement

**NOTICE OF CORRECTION**

The above-proposed Notice of Additional Public Hearing was published in the October 28, 2005 issue of the Florida Administrative Weekly, Vol. 31, No. 43. The date that read "January 12, 2005" should be changed to read "January 12, 2006". The foregoing change does not affect the substance of the notice.

The person to be contacted regarding the above change is: John Knapp, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 33620-7676.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.015  
RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

**NOTICE OF CORRECTION**

The above-referenced Notice of Rule Development Workshop was published in Vol. 31, No. 44, of the November 4, 2005, issue of the Florida Administrative Weekly. The time for the workshop, which was originally published as 2:00 p.m., has been changed and will now be held at 4:00 p.m. The date and location of the workshop remain the same. The person to be contacted regarding the above change is Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin # C03, Tallahassee, FL 32399-3253.

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-14.011  
RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

**NOTICE OF CORRECTION**

The above-referenced Notice of Rule Development Workshop was published in Vol. 31, No. 44, of the November 4, 2005, issue of the Florida Administrative Weekly. The time for the workshop, which was originally published as 2:00 p.m., has been changed and will now be held at 4:00 p.m. The date and location of the workshop remain the same. The person to be contacted regarding the above change is Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin # C06, Tallahassee, FL 32399-3256.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

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

NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 32, of the August 12, 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. The change is as follows:

1. Subsection 64B18-14.002(rr) shall read as:

(rr) Failure to submit or update required information within 45 days. The Board shall impose a penalty ranging from a reprimand up to probation plus a fine from \$2,5000.00 to \$5,000.00 pursuant to Section 456.039(3), Florida Statutes.

Specific Authority 456.039(3), 456.073(3), 456.079, 461.003, 461.005, 461.013 FS.

2. Rule 64B18-14.010 Specific Authority shall read as:

Specific Authority 456.057, 456.072, 456.077, 456.077(2), 461.012, 461.13(7) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-5.003  
RULE TITLE: Unprofessional Conduct; Definition  
SECOND NOTICE OF CHANGE

Notice is hereby given that the following change has been made in accordance with subparagraph 120.54(3)(d)1., F.S. to the first change of the proposed rule, which was published in Vol. 31, No. 44 of the November 4, 2005 issue of the Florida Administrative Weekly. The proposed rule was originally published in Vol. 31, No. 24 of the June 17, 2005 issue of the Florida Administrative Weekly. This change is made to add text inadvertently left out in the previous Notice of Change. The Board approved this change at its October 14, 2005 meeting. When changed, paragraph (1)(d) of the rule shall read:

(d) Providing false or incorrect information to an employer regarding the status of the certification, registration, or licensure.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

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 CITRUS

RULE TITLE: Oranges: 2005-06 Anhydrous Acid  
RULE NO.: 20ER05-10

Maturity Standards  
SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

The Department received a petition requesting emergency rulemaking from the Florida Citrus Processors Association, a non-profit industry organization located in Winter Haven, Florida. This emergency is due to high winds experienced during Hurricane Wilma, causing a significant portion of the orange crop to be windblown from the trees and such emergency action would allow the salvage of wholesome fruit. Strict enforcement of the anhydrous acid content requirements, which were adopted largely to control abuse of plant growth regulators that are no longer in use, could cause economic waste by causing good and safe food to be ruled immature.

After taking testimony and discussing the matter at a public meeting and hearing in Lakeland, Florida on October 27, 2005, the Florida Citrus Commission found that there exists unusual conditions which could cause a substantial portion of the orange crop to fail minimum acid requirements and voted to adopt Emergency Rule 20ER05-10, adjusting the percentage of anhydrous citric acid requirement for oranges for fresh and processed use from .40 to .36 for a period ending December 1, 2005.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER05-10 adjusting the percentage of anhydrous citric acid requirements for oranges, in that notice was made via email of the meeting on October 26, 2005, to members of the Florida Citrus Commission, all industry organizations, the Florida Press Corps and other interested persons.

SUMMARY: Emergency Rule 20ER05-10 adjusts the percentage of anhydrous citric acid requirement for oranges from .40 to .36 for a period through December 1, 2005.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-10 Oranges: 2005-2006 ~~2004-2005~~ Anhydrous Acid Maturity Standards.

(1) During the period beginning October 28, 2005 ~~October 29, 2004~~ up to and including December 1, 2005 ~~July 31, 2005~~, oranges shall be deemed mature when the juice sample contains not less than .36 percent of anhydrous citric acid.

(2) No change.

Specific Authority 601.10(1),(7), 601.11, 601.19 FS. Law Implemented 601.111, 601.19 FS. History--New 3-14-93, Amended 2-12-95, 1-17-96, 5-1-02, 2-19-03, 2-24-04, 3-22-05, 10-28-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 28, 2005

**DEPARTMENT OF CITRUS**

RULE TITLE: Grapefruit 2005-2006 Maturity Standards. RULE NO.: 20ER05-11

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

The Department received a petition requesting emergency rulemaking from the Florida Citrus Packers Association, a non-profit industry organization located in Lakeland, Florida. This emergency is due to high winds experienced during Hurricane Wilma, causing a significant portion of the orange crop to be windblown from the trees and such emergency action would allow the salvage of wholesome fruit. Strict enforcement of the minimum ratio of total soluble solids to anhydrous citric acid content requirements shall result in economic waste by causing good and safe food to be ruled immature.

After taking testimony and discussing the matter at an emergency public meeting and hearing in Lakeland, Florida on October 27, 2005, the Florida Citrus Commission found that there exists unusual circumstances and voted to adopt Emergency Rule 20ER05-11, adjusting the minimum ratio of total soluble solids to anhydrous citric acid content requirement for grapefruit for processed use to 7.2 to 1 for a period of 15 days from filing of this emergency rule and to

reduce the required minimum juice content to 10% less than that established by statute for each variety and size from filing of the emergency rule through December 1, 2005.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER05-11 in that notice was made via emailing of the meeting notice on October 26, 2005, to members of the Florida Citrus Commission, all industry organizations, the Florida Press Corps and other interested persons.

SUMMARY: Emergency Rule 20ER05-11 adjusts the minimum ratio of total soluble solids to anhydrous citric acid content requirement for grapefruit for processed use to 7.2 to 1 for a period of 15 days from date of filing of the emergency amendment and the required minimum juice content is reduced by 10% from that established by statute for each variety and size from time of filing through December 1, 2005.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-11 Grapefruit 2005-2006 Maturity Standards.

(1) From date of filing, and for fifteen days thereafter, grapefruit for processing shall be deemed mature when the juice sample contains not less than a minimum ratio of total soluble solids to anhydrous citric acid of 7.2 to 1. After the expiration of the fifteen days ~~During the period beginning October 21, 2005~~ up to and including January 19, 2006 grapefruit for processing shall be deemed mature when the juice sample contains not less than a minimum ratio of total soluble solids to anhydrous citric acid of 7.5 to 1.

(2) During the period beginning October 28, 2005 up to and including December 1, 2005 grapefruit for processing shall be deemed mature when the juice sample contains 10% less juice content than that set by statute for each variety and size.

~~(3)~~(2) All other rules of the department governing maturity standards for processed grapefruit during the period through January 19, 2006 shall be construed consistent with the emergency action taken.

Specific Authority 601.10(1),(7), 601.16 FS. Law Implemented 601.111, 601.16 FS. History--New 10-21-05, Amended 10-28-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 28, 2005

**DEPARTMENT OF CITRUS**

RULE TITLE: Oranges: 2005-06 Juice Content Maturity Standards  
 RULE NO.: 20ER05-12

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

The Department received a petition requesting emergency rulemaking from the Florida Citrus Processors Association, a non-profit industry organization located in Winter Haven, Florida. This emergency is due to high winds experienced during Hurricane Wilma, causing a significant portion of the orange crop to be windblown from the trees and such emergency action would allow the salvage of wholesome fruit. Strict enforcement of the juice content requirements could cause economic waste by causing good and safe food to be ruled immature.

After taking testimony and discussing the matter at a public meeting and hearing in Lakeland, Florida on October 27, 2005, the Florida Citrus Commission found that there exists unusual conditions which could cause a substantial portion of the orange crop to fail minimum juice content requirements and voted to adopt Emergency Rule 20ER05-12, adjusting the percentage of juice content requirement for oranges for processed use by 10% from that set by Section 601.19(1), F.S., for a period ending December 1, 2005.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER05-12 adjusting the percentage of juice content requirements for oranges for processed use, in that notice was made via email of the meeting on October 26, 2005, to members of the Florida Citrus Commission, all industry organizations, the Florida Press Corps and other interested persons.

SUMMARY: Emergency Rule 20ER05-12 adjusts the percentage of juice content requirement for oranges for processed use by 10% from that set by Section 601.19(1), F.S., for the period ending December 1, 2005.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE EMERGENCY RULE IS:

20ER05-12 Oranges: 2005-2006 Juice Content Maturity Standards.

During the period beginning October 28, 2005 up to and including December 1, 2005, oranges for processing shall be deemed mature when the juice content is 10% less than that set by Section 601.19(1), F.S.

Specific Authority 601.10(1),(7), 601.11, 601.19 FS. Law Implemented 601.111, 601.19 FS. History--New 10-28-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 28, 2005

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Waiver of Service Charges, Fees and/or Penalties For Retailers – Hurricane Wilma  
 RULE NO.: 53ER05-78

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 Wilma.

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:

53ER05-78 Waiver of Service Charges, Fees and/or Penalties for Retailers – Hurricane Wilma.

(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, Florida Administrative Code, 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 Wilma.

(2) 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 October 24, 2005:

Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Indian River, Lee, Martin, Miami-Dade, Monroe, Okeechobee, Osceola, Palm Beach, Polk, St. Lucie and Sarasota; or

2. The retailer’s business is located in a county that is declared a disaster area on or after October 24, 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 Wilma, 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 Wilma.)

(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, Florida Administrative Code, that were in received status as of October 24, 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 Wilma, 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 for 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 Wilma, 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 10-27-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 27, 2005

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 616, JINGLE BUCKS RULE NO.: 53ER05-79

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 616, “JINGLE BUCKS,” 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:

53ER05-79 Instant Game Number 616, JINGLE BUCKS.

(1) Name of Game. Instant Game Number 616, “JINGLE BUCKS.”

(2) Price. JINGLE BUCKS lottery tickets sell for \$10.00 per ticket.

(3) JINGLE BUCKS 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 JINGLE BUCKS lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	20
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	THENTY
21	22	23	24	25	26	27	28	29	30
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	THIRTY



WIN

(5) The "SERIAL NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
11	12	13	14	15	16	17	18	19	20
ELEVN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EGHTN	NINTN	THENTY
21	22	23	24	25	26	27	28	29	30
THYONE	THYTWO	THYTHR	THYFOR	THYFIV	THYSIX	THYSVN	THYEGT	THYNIN	THIRTY

(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	THENTY	
<b>\$25.00</b>	<b>\$40.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$200</b>
THY FIV	FORTY	FIFTY	ONE HUN	TWO HUN
<b>\$250</b>	<b>\$500</b>	<b>\$1,000</b>	<b>\$10,000</b>	<b>\$150,000</b>
TWOHUNFTY	FIVE HUN	ONE THO	TEN THO	ONE FTY THO

(7) The legends are as follows:

SERIAL 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 "SERIAL 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, \$250, \$500, \$1,000, \$10,000 and \$150,000.



(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 616 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 30 POOLS OF 120,000 TICKETS PER POOL
\$5 x 2	\$10	1 IN 15.00	240,000
\$10	\$10	30.00	120,000
\$5 x 3	\$15	30.00	120,000
\$15	\$15	30.00	120,000
\$5 x 4	\$20	30.00	120,000
\$20	\$20	30.00	120,000
\$5 x 8	\$40	171.43	21,000
(\$5 x 4) + (\$10 x 2)	\$40	300.00	12,000
\$10 x 4	\$40	240.00	15,000
\$20 x 2	\$40	300.00	12,000
\$40	\$40	300.00	12,000
\$50	\$50	30.00	120,000
\$5 x 20	\$100	400.00	9,000
(\$10 x 6) + \$40	\$100	400.00	9,000
\$50 x 2	\$100	600.00	6,000
\$100	\$100	600.00	6,000
\$10 x 20	\$200	12,000.00	300
(\$10 x 10) + (\$20 x 3) + \$40	\$200	12,000.00	300
\$100 x 2	\$200	12,000.00	300
(\$25 x 4) + (\$50 x 2)	\$200	12,000.00	300
\$200 (JINGLE BELL)	\$200	363.64	9,900
\$25 x 20	\$500	60,000.00	60
\$50 x 10	\$500	60,000.00	60
(\$20 x 6) + (\$25 x 12) + (\$40 x 2)	\$500	60,000.00	60
\$250 x 2	\$500	60,000.00	60
\$500	\$500	60,000.00	60
\$50 x 20	\$1,000	300,000.00	12
\$100 x 10	\$1,000	300,000.00	12
\$200 x 5	\$1,000	300,000.00	12
\$500 x 2	\$1,000	300,000.00	12
\$1,000	\$1,000	300,000.00	12
\$500 x 20	\$10,000	1,800,000.00	2
\$10,000	\$10,000	1,800,000.00	2
\$150,000	\$150,000	1,800,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 616 are 1 in 3.35. 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 616, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a JINGLE BUCKS lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for JINGLE BUCKS 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 10-27-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 27, 2005

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 614, MERRY MONEY  
 RULE NO.: 53ER05-80

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 614, "MERRY MONEY," 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:

53ER05-80 Instant Game Number 614, MERRY MONEY.

(1) Name of Game. Instant Game Number 614, "MERRY MONEY."

(2) Price. MERRY MONEY lottery tickets sell for \$2.00 per ticket.

(3) MERRY MONEY 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 MERRY MONEY lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The legend is as follows:

PLAY AREA

(6) Determination of Prizewinners.

(a) A ticket having three or more tree symbols in the play area shall entitle the claimant to the corresponding prize in the "PRIZE LEGEND" area.

(b) The prizes are: TICKET, \$3.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, \$1,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a value of \$2.00, except as follows. A person who submits by mail a MERRY MONEY 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.



(c) A ticket having a "WIN" symbol in the "PLAY AREA" shall entitle the claimant to a prize of \$50.

(7) The estimated odds of winning, value, and number of prizes in Instant Game Number 614 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN:	NUMBER OF WINNERS IN 28 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2 TICKET	10.00	504,000
\$3	\$3	15.00	336,000
\$5	\$5	15.00	336,000
\$10	\$10	37.50	134,400
\$25	\$25	150.00	33,600
\$50 (MONEYBAG)	\$50	720.00	7,000
\$50	\$50	900.00	5,600
\$100	\$100	1,800.00	2,800
\$500	\$500	18,000.00	280
\$1,000	\$1,000	180,000.00	28
\$10,000	\$10,000	1,260,000.00	4

(8) The estimated overall odds of winning some prize in Instant Game Number 614 are 1 in 3.71. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(9) For reorders of Instant Game Number 614, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) By purchasing a MERRY MONEY lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(11) Payment of prizes for MERRY MONEY 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 10-27-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 27, 2005

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 620, STOCKING STUFFER  
 RULE NO.: 53ER05-81

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 620, "STOCKING STUFFER," 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:

**53ER05-81 Instant Game Number 620, STOCKING STUFFER.**

(1) Name of Game. Instant Game Number 620, "STOCKING STUFFER."

(2) Price. STOCKING STUFFER lottery tickets sell for \$1.00 per ticket.

(3) STOCKING STUFFER 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 STOCKING STUFFER lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) 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>\$20.00</b>	<b>\$25.00</b>	<b>\$50.00</b>	<b>\$200</b>	<b>\$500</b>
TWENTY	THY FIVE	FIFTY	TWO HUN	FIVE HUN

(6) Determination of Prizewinners. A ticket having a



symbol in the play area shall entitle the claimant to the corresponding prize shown for that symbol. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$200 and \$500. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a STOCKING STUFFER lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(7) The estimated odds of winning, value, and number of prizes in Instant Game Number 620 are as follows:

GAME PLAY TICKET	WIN \$1 TICKET	ODDS OF 1 IN:	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$1	\$1	10.00	1,008,000
\$2	\$2	9.09	1,108,800
\$1 x 5	\$5	50.00	201,600
\$5	\$5	100.00	100,800
\$5	\$5	300.00	33,600
(\$1 x 4) + (\$2 x 3)	\$10	150.00	67,200
\$5 x 3	\$15	300.00	33,600
(\$2 x 5) + (\$5 x 2)	\$20	600.00	16,800
\$20	\$20	600.00	16,800
\$1 + (\$2 x 2) + (\$5 x 4)	\$25	600.00	16,800
\$25	\$25	600.00	16,800
\$10 x 5	\$50	1,800.00	5,600
\$20 x 5	\$100	18,000.00	560
(\$50 x 6) + \$200	\$500	126,000.00	80
\$500	\$500	315,000.00	32

(8) The estimated overall odds of winning some prize in Instant Game Number 620 are 1 in 3.84. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(9) For reorders of Instant Game Number 620, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(10) By purchasing a STOCKING STUFFER lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(11) Payment of prizes for STOCKING STUFFER 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 10-27-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 27, 2005

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game Number 618, SURPRIZE PACKAGE

RULE NO.: 53ER05-82

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 618, "SURPRIZE PACKAGE," 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:


53ER05-82 Instant Game Number 618, SURPRIZE PACKAGE.

(1) Name of Game. Instant Game Number 618, "SURPRIZE PACKAGE."

(2) Price. SURPRIZE PACKAGE lottery tickets sell for \$5.00 per ticket.

(3) SURPRIZE PACKAGE 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 SURPRIZE PACKAGE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER05-73, F.A.C.

(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	ELEVN	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	THYTHO	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	ELEVN	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	THYTHO	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>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
ONE	TWO	FOUR	FIVE	TEN
<b>\$15.00</b>	<b>\$25.00</b>	<b>\$50.00</b>	<b>\$75.00</b>	<b>\$100</b>
FIFTEEN	THY FIV	FIFTY	SVY FIV	ONE HUN
<b>\$200</b>	<b>\$500</b>	<b>\$1,000</b>	<b>\$10,000</b>	<b>\$50,000</b>
TWO HUN	FIV HUN	ONE THO	TEN THO	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.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$50,000.



(c) A ticket having a "WIN" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to a prize of \$50.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 618 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 34 POOLS OF 120,000 TICKETS
		1 IN	PER POOL
\$1 x 5	\$5	30.00	136,000
(\$1 x 3) + \$2	\$5	30.00	136,000
\$1 + (\$2 x 2)	\$5	30.00	136,000
\$5	\$5	30.00	136,000
\$1 x 10	\$10	60.00	68,000
\$2 + (\$4 x 2)	\$10	60.00	68,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	68,000
\$1 + (\$2 x 2) + \$5	\$10	120.00	34,000
\$10	\$10	120.00	34,000
\$1 x 15	\$15	60.00	68,000
\$15	\$15	60.00	68,000
\$5 x 5	\$25	300.00	13,600
(\$5 x 3) + \$10	\$25	400.00	10,200
\$5 + (\$10 x 2)	\$25	300.00	13,600
(\$2 x 5) + \$5 + \$10	\$25	300.00	13,600
(\$1 x 5) + (\$2 x 10)	\$25	400.00	10,200
\$25	\$25	600.00	6,800
\$50 (MONEYBAG)	\$50	100.00	40,800
\$5 x 15	\$75	20,000.00	204
\$5 + (\$10 x 7)	\$75	20,000.00	204
(\$5 x 5) + \$50	\$75	20,000.00	204
(\$10 x 5) + \$25	\$75	20,000.00	204
\$75	\$75	20,000.00	204
\$10 + (\$15 x 6)	\$100	800.00	5,100
(\$5 x 10) + (\$10 x 5)	\$100	705.88	5,780
\$25 x 4	\$100	800.00	5,100
(\$25 x 2) + \$50	\$100	1,200.00	3,400
\$100	\$100	1,200.00	3,400
\$50 x 10	\$500	204,000.00	20
(\$25 x 10) + (\$50 x 5)	\$500	204,000.00	20
\$500	\$500	204,000.00	20
\$100 x 10	\$1,000	408,000.00	10
\$200 x 5	\$1,000	816,000.00	5
(\$50 x 10) + (\$100 x 5)	\$1,000	408,000.00	10
\$500 x 2	\$1,000	816,000.00	5
\$1,000	\$1,000	816,000.00	5
\$1,000 x 10	\$10,000	1,360,000.00	3
(\$500 x 10) + (\$1,000 x 5)	\$10,000	1,360,000.00	3
\$10,000	\$10,000	1,360,000.00	3
\$50,000	\$50,000	1,360,000.00	3

(10) The estimated overall odds of winning some prize in Instant Game Number 618 are 1 in 3.76. 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 618, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a SURPRIZE PACKAGE lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for SURPRIZE PACKAGE 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 10-27-05.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 27, 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 TRANSPORTATION**

NOTICE IS HEREBY GIVEN that, on November 1, 2005, the Florida Department of Transportation issued an order dismissing the petition of Sarasota County Area Transit, seeking a variance from the provisions of subsection 14-90.007(3), F.A.C. The Petition was filed with the Clerk of Agency Proceedings on August 4, 2005. The Department published its notice of receipt of the petition in the August 26, 2005, edition of the Florida Administrative Weekly. Subsection 14-90.007(3), F.A.C., established the minimum height requirements for rear vision mirrors on Type I buses. The Department’s order, issued in DOT Case No. 05-356, dismissed the petition because the petition did not meet the essential requirements of the law.

A copy of the Department’s order may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact James C. Myers at (850)414-5393.

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

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

**WATER MANAGEMENT DISTRICTS**

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on October 28, 2005 from Norpak Corporation. Pursuant to Section 120.542, Florida Statutes, Norpak Corporation is seeking a variance from subparagraph 40C-41.063(1)(c)1. and paragraph 40C-4.301(1)(k), F.A.C., and Section 11.1.3 of the Applicant’s Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application 4-009-92272-1. The permit applicant is proposing to construct a road project, known as Palm Bay Bypass Road or Diagonal Road in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. Paragraph 40C-4.301(1)(k), F.A.C., requires permit applicants for an ERP to comply with any applicable special basin criteria established in Chapter 40C-41, F.A.C. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2005-129.

For a copy of the petition or additional information, contact: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on October 11, 2005, Bureau of Elevator Safety received a Petition for Variance from Rules 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, which require steel ropes and non welded terminations, from Kenin Lynes of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Marina South II at Cape Harbour in Cape Coral (Petition VW 2005-151).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on October 24, 2005, Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from Kenin Lynes of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Alta Vita Condominium in Treasure Island (Petition VW 2005-153).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on October 24, 2005, Bureau of Elevator Safety received a Petition for Variance from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, 212.9a, A.S.M.E. 17.1, 1996 edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code, which require a machine room, steel ropes and non welded terminations, from Kenin Lynes of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: The Valencia in Old Hyde Park in Tampa (Petition VW 2005-154).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Bureau of Elevator Safety hereby gives notice that on October 31, 2005, it Issued an Order Granting Variance Request in response to a petition filed August 4, 2005 and advertised in FAW Vol. 31, No. 35, by Steve Powell of KONE, Inc. regarding Royal Seafarer in Marco Island, FL. The variance granted a waiver from Rules 100.3a, 101.6, of ASME A17.1, 1996 Edition with 1997 Addenda and 2.29.2 of ASME A17.2, 1996 Edition, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on October 12, 2005, it Issued an Order Granting Variance Request in response to a petition filed on July 22, 2005, (as advertised in FAW Vol. 31, No. 33) by Lee Rigby of Vertical Assessment Associates, Inc. regarding City of Tallahassee Fire Training Tower (VW 2005-117), seeking a waiver from Rules 211.1(a)(2), 211.1(b), and 211.8 of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not provide two-way communications equipment and to not have the keyed switch in the hall not use the same key as the other keyed switches. The variance was granted as the petitioner demonstrated that the unit was to be used exclusively by trained fire personnel who will always have emergency communications equipment with them while riding the elevator and by providing special training to all personnel involved in the training exercises on the use of the keyed switches.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on October 12, 2005, it issued two Orders Granting Variance Requests in response to petitions filed on July 18, 2005 and advertised in FAW Vol. 31, No. 31, by Kenin Lynes of Otis Elevator regarding Casablanca Towers Condominium (VW2005-113) and Mangrove Cay Condominium (VW2005-113) both in St. Petersburg. The petitions sought waivers from Rules 101.1a (2), 101.1a (3), 101.6, 212.1, and 212.9a, 4 of ASME A17.1, 1996 Edition with 1997 Addenda,

as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Orders can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on October 12, 2005, it Issued an Order Granting Variance Request in response to a petition filed on July 29, 2005, (as advertised in FAW Vol. 31, No. 33) by James H. Pope, AIA, regarding Universal Studios City Walk, Space #45 (VW 2005-118), seeking a waiver from Rule 2000.7a of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to have a vertical wheelchair lift with a travel distance of 15 feet. The variance was granted as the petitioner demonstrated that the unit was designed to safely travel 23 feet and that the newer codes allow this greater travel distance.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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The Bureau of Elevator Safety hereby gives notice that on October 11, 2005, it Issued an Order Granting Emergency Variance Request in response to a petition filed on September 13, 2005, (as advertised in FAW Vol. 31, No. 39) by Tim Cleckner of Garaventa USA, regarding Berger Building in Okeechobee (VW 2005-139), seeking a waiver from Rule 2000.7a of ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Rule 61C-5.001, Florida Administrative Code. The petitioner requested to have a vertical wheelchair lift with a travel distance of 13 feet. The variance was granted as the petitioner demonstrated that the unit was designed to safely travel 14 feet and that the newer codes allow this greater travel distance.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940, North Monroe Street, Tallahassee, Florida 32399-2202.

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#### **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 October 24, 2005, the Department of Health received a Petition for Waiver from Rules 64E-15.004 and 64E-15.005, Florida Administrative Code, from Glenn H. Baxley on behalf of Lake Kristina Campgrounds. That rule requires recreational vehicle parks to have a sanitary dump station, built to certain construction standards, a potable water fill station and sanitary facilities. The Forest Village RV Resort is an existing 75 space recreational vehicle park located in Santa Rosa County, Florida. Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the Petition may be obtained from David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4277.

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The Department of Health gives notice that it has granted a petition for variance that was filed on September 9, 2005, by Lawrence E. Sellers, Jr., Esq., on behalf of Stericycle, Inc. The order granting the variance was filed October 24, 2005. Petitioner sought a permanent variance from paragraph 64E-16.004(2)(a), F.A.C., pertaining to the requirement for packages of biomedical waste to be sealed until treatment. For notice of receipt of the petition, see the Florida Administrative Weekly, Vol. 31, No. 39, September 30, 2005. The basis of the approval is an unnecessary hardship to Petitioner for compliance with the requirement set forth in paragraph 64E-16.004(2)(a), F.A.C., requiring packages of biomedical waste to remain sealed until treatment. Compliance with this rule would require Petitioner to design, purchase, and implement a separate and substantial collection infrastructure that would be both expensive and unnecessary to Petitioner and Petitioner's customers. Petitioner has offered an alternative method that the department has determined meets the intent of paragraph 64E-16.004(2)(a), F.A.C., for decontaminating single-use surgical instruments and medical devices prior to removal and recovery from unsealed packages of biomedical waste. For a copy of the order granting the petition, contact: Edith Coulter, Department of Health, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710.

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#### **DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN that the Department of Children and Family Services has received a Petition for Waiver of subsection 65C-15.002(7), F.A.C. The Petition was received by the Agency Clerk on October 17, 2005, by Forever



Families Home Study Agency, Inc. assigned Case Nos. 05-006W. Subsection 65C-15.002(7), F.A.C., requires licensed child placing agencies shall keep at all times, a sufficient number of licensed foster homes, other than the prospective adoptive homes, which shall be used when the agency has received custody of a child and the child has not been placed in an adoptive placement.

A copy of the Petition may be obtained by writing: Office of the Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on November 2, 2005, Florida Housing Finance Corporation received a Petition for Variance/Waiver from Florida Administrative Code Rule 67-48.004(1)(a), from Arbours At Madison, Ltd. ("Petition"). The Petition is seeking a variance from the rule which prohibits a material change of a tax credit applicant.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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

**DEPARTMENT OF STATE**

The **Friends of Mission San Luis, Inc.** announces a conference call to which all persons are invited to participate.

DATE AND TIME: Monday, November 28, 2005, 12:00 p.m.; Conference Telephone Number: (866)210-6582, conference code: 4872299 followed by #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include endowment campaign activities and other board business.

If you have questions please feel free to contact Ms. Elyse Cornelison, (850)487-1666.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

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

DATE AND TIME: December 1, 2005, 9:00 a.m.

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

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

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

A copy of the meeting agenda may be obtained by contacting the Pesticide Registration Section, (850)487-2130 or from the PREC Web Site at: [http://www.flaes.org/pesticide/pesticide\\_registration.html](http://www.flaes.org/pesticide/pesticide_registration.html).

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

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

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, FL 32703

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Container Plant Nursery Best Management Practices (BMPs) to be adopted statewide.

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

If an accommodation is needed for a disability in order to attend 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 **Florida State Fair Authority** announces a meeting of the Sportsfest Planning Committee.

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

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, FL 33610.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

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 at (813)627-4221.

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The **Florida State Fair Authority** announces a meeting of the Finance Committee.

DATE AND TIME: Thursday, December 8, 2005, 11:00 a.m.  
PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, FL 33610.

GENERAL Subject Matter TO BE CONSIDERED: Old and New Business.

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 at (813)627-4221.

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The **Florida State Fair Authority** announces a meeting of the Marketing Committee.

DATE AND TIME: Thursday, December 8, 2005, 11:00 a.m.  
PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, FL 33610.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

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 at (813)627-4221.

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The **Florida State Fair Authority** announces a meeting of the Full Board.

DATE AND TIME: Thursday, December 8, 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.

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 at (813)627-4221.

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#### DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council for the Blind**, announces a teleconference as follows:

DATE AND TIME: November 21, 2005, 2:00 p.m. (EST)  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct quarterly council business due to cancellation of October meeting because of Hurricane Wilma.

Minutes of the teleconference may be obtained by contacting Phyllis Dill, The Division of Blind Services, 7201 N. 9th Avenue, Suite A-11, Pensacola, FL 32504 or email: Phyllis\_dill@dbs.doe.state.fl.us.

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#### DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

DATE AND TIME: December 6, 2005, 1:00 p.m. – Open  
PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case Agenda can be obtained by calling: Brenda Presnell, (850)410-8648, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, P. O. Box 1489, Tallahassee, Florida 32302.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt at (850)410-8615, at least 2 weeks prior to the meeting.

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#### DEPARTMENT OF TRANSPORTATION

District Four Tentative Work Program, Fiscal Years July 1, 2006 through June 30, 2011.

The Florida **Department of Transportation**, District Four, announces public hearings to which all interested persons are invited. Specific notice is provided to the Broward County, Indian River County (Vero Beach), Martin County (Stuart), Palm Beach County, and St. Lucie County Metropolitan Planning Organizations.

LOCATION/SPECIFIC DATES AND TIMES:

1. BROWARD COUNTY:

DATE AND TIME: Thursday, December 1, 2005, 1:00 p.m.  
PLACE: Broward County Governmental Center, Room 302, 115 South Andrews Avenue, Fort Lauderdale, Florida 33301

2. PALM BEACH COUNTY:

DATE AND TIME: Thursday, December 15, 2005, 1:30 p.m.  
PLACE: Palm Beach County Governmental Center, 12th Floor Conference Room, 301 N. Olive Avenue, West Palm Beach, Florida 33401

3. ST. LUCIE, MARTIN, AND INDIAN RIVER COUNTIES:

DATE AND TIME: Wednesday, December 7, 2005, 5:00 p.m.

PLACE: Port St. Lucie Community Center, Room B, 2195 Airoso Blvd., Port St. Lucie, Florida 34984

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** These public hearings are being conducted pursuant to Section 339.135(4)(c), F.S., as amended. The purpose of these public hearings is to present the Department's Tentative Five Year Work Program for Fiscal Years 2006/06-2010/11, which contains a listing of Project Phases to be undertaken during that time frame. These Hearings also will include consideration of proposed projects for Florida's Turnpike Enterprise System as applicable.

All interested persons are invited to attend and be heard. Assistance for disabled persons may be arranged by contacting: Michael DeRosa, (954)777-4627 or Margaret DeFio, (954)777-4583, Florida Department District 4, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421, at least ten (10) working days prior to the public hearings.

Written comments from the Metropolitan Planning Organizations and other interested parties will be received by the Department at the public hearing and within ten days after the public hearing.

Comments should be addressed to: Mr. James Wolfe, P.E., District Secretary, Florida Department of Transportation, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 3309-3421.

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The Florida **Department of Transportation**, District Seven invites you to attend and participate in one of the Five Year Tentative Work Program Public Hearings for Fiscal Years July 1, 2006 through June 30, 2011. Your input is needed at these public hearings. The Department's Tentative Work Program contains funding over the next five years and includes preliminary engineering, right-of-way acquisition, construction, public transportation projects, and Florida Turnpike Enterprise projects for Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties. The public hearings will be held at the following locations:

**DATE AND TIME:** Tuesday, December 6, 2005, 5:00 – 7:00 p.m.

**PLACE:** Hernando County Government Center, Board of County Commission Chambers, 20 N. Main Street, Brooksville, Florida 34601.

**DATE AND TIME:** Thursday, December 8, 2005, 5:00 – 7:00 p.m.

**PLACE:** Tampa Bay Regional Planning Council Offices, 4000 Gateway Centre Boulevard, Suite 100, Pinellas Park, Florida 33782.

The Work Program Public Hearings are being conducted pursuant to Chapter 120 and Section 339.135(4)(d), Florida Statutes, and Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968. Anyone needing special accommodations under the Americans with Disabilities Act of

1990 should contact Ms. Lee Royal, Community Liaison Administrator, (813)975-6427 or (800)226-7220 at least 10 working days in advance of the public hearings.

The Department will receive verbal and written comments from organizations and the general public at the public hearings. In addition, written comments must be postmarked by December 19, 2005, to become part of the official public hearing record. Written comments should be addressed to: Florida Department of Transportation, District Seven, Donald J. Skelton, P. E., District Secretary, 11201 N. McKinley Drive, MS 7-100, Tampa, Florida 33612.

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#### **DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice is hereby given that the **Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles** will conduct a hearing in accordance with Sections 120.569, 120.57(2), and 320.645(1)(c), F.S., and Chapter 28-106, F.A.C., to which all interested persons are invited.

**DATE AND TIME:** December 8, 2005, 1:30 p.m.

**PLACE:** Neil Kirkman Building, 2900 Apalachee Parkway, Room A436, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Whether Commercial Vehicles of South Florida, Inc. d/b/a Freightliner Trucks of South Florida, a motor vehicle manufacturer, is in violation of Section 320.645, F.S., by operating a motor vehicle dealership.

Persons desiring to intervene or be recognized as a party shall file a petition that complies with subsection 28-106.201(2), F.A.C., not later than 20 days prior to the date of the 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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#### **DEPARTMENT OF CITRUS**

The **Department of Citrus** announces a public workshop for the purposes of rule development to which all interested persons are invited.

**DATE AND TIME:** November 16, 2005, 9:00 a.m.

**PLACE:** Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The subject area to be addressed is the modification of FDOC rules with regard to the Florida Quality Systems Certification Program which could allow approved Florida citrus processors to qualify for an additional alternative audit-based inspection

process. Such proposed rules could modify current rules relating to grading processed citrus products and product standards (Chapter 20-64, F.A.C.); use of USDA grade certificates (Chapter 20-72, F.A.C.); designation of grade on containers and manifests (Chapters 20-70, 20-71, F.A.C.); frequency of and level of inspection of processed products; and any other conforming rule amendments determined to be necessary by the agency.

A copy of the agenda may be obtained by contacting: Florida Department of Citrus, Attention: Teresa Czerny, P. O. Box 148, Lakeland, Florida 33802-0148.

In accordance with the American Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Bill Jones at the above address or by telephone, (863)499-2500.

### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: November 29, 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 the Division of the Commission Clerk and Administrative Services at (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. 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, which can be reached (800)955-8771 (TDD) or (800)955-8770 (VOICE).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No.: 050693-TL – Petition to reduce intrastate switched access rates in revenue-neutral manner pursuant to Section 364.164, Florida Statutes, by ALLTEL Florida, Inc.

DATE AND TIME: December 1, 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 to reduce intrastate switched access rates in revenue-neutral manner pursuant to Section 364.164, Florida Statutes, by ALLTEL Florida, Inc., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on November 21, 2005. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the hearing.

Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached (800)955-8771 (TDD) or (800)955-8770 (VOICE).

NOTICE IS HEREBY GIVEN that the Florida **Public Service Commission** will conduct a Rule Development Workshop for an undocketed rulemaking to implement Section 1254 of the Energy Policy Act of 2005, at the following time and place.

DATE AND TIME: December 15, 2005, 9:00 a.m.

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

GENERAL SUBJECT TO BE CONSIDERED: The purpose of this workshop is to consider rulemaking to implement Section 1254 of the Energy Policy Act of 2005 concerning interconnection and the standards for interconnection, as they affect electric utilities, state regulators, nonregulated electric utilities and customers. All participants are requested to file an outline of their presentation, the approximate amount of time for the presentation, and the presenter's name with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 by December 1, 2005.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services,

(850)413-6770 at least 48 hours prior to the workshop. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: (800)955-8771.

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**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Governor's Ex-offender Task Force** announces a meeting to be held:

DATE AND TIME: Monday, November 14, 2005, 9:00 a.m. – 5:00 a.m.

PLACE: Room 24, LL of the House Office Building, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force will be divided into workgroups in the House Office Building, Rooms 12 LL, 28 LL, and 24 LL for discussions.

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The **Governor's Office of Tourism, Trade and Economic Development**, will be hosting a meeting of the Governor's Commission on the Future of Space and Aeronautics in Florida to which all interested persons are invited to participate.

DATE AND TIME: Friday, November 18, 2005, 9:30 a.m. – 5:00 p.m.

PLACE: University of Central Florida, Partnership II Building, Room 112, 3100 Technology Parkway, Orlando, FL 32826

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to examine the state of the Florida Space Industry, focusing on recommendations that would improve the space and aerospace enterprise in the state. The meeting will be formatted to include presentations from The Space Foundation, Cape Canaveral Air Force Station, The Florida Space Authority, The Florida Aerospace Finance Corporation, The Florida Space Research Institute, Enterprise Florida, and the Florida Department of Transportation. An aviation panel, moderated by Marshall Heard, chairman of the Florida Aerospace and Aviation Alliance, will include Embry-Riddle Aeronautical University, the Institute for Simulation & Training, the Florida Airports Council, and the Florida Aviation Trades Association. There will be time allotted for discussion among the Commissioners focused on consensus of the final report.

For more information contact: Richard McAdams or Debra Corkhill, (850)487-2568.

If an accommodation is needed for a disability in order to participate in this activity please notify Richard McAdams, Office of Tourism, Trade and Economic Development, (850)487-2568, at least seven (7) days prior to the meeting.

Persons who are hearing or speech impaired, may contact the Office by using the Florida Relay Service, (800)955-8771 (TDD).

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The **Governor's Commission on the Future of Space and Aeronautics in Florida** will be hosting a meeting to which all interested persons are invited to participate.

DATE AND TIME: Monday, November 14, 2005, 1:45 p.m. – 3:45 p.m.

PLACE: Teleconference: (850)488-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workforce Composition; present and past numbers. Identify current gaps, future gaps, and Florida university, community college, and vocational school production. Peggy Evanich and Ray Gilley will conduct the meeting.

For more information contact: Richard McAdams or Debra Corkhill, (850)487-2568.

If an accommodation is needed for a disability in order to participate in this activity please notify Richard McAdams, Office of Tourism, Trade and Economic Development, (850)487-2568, at least seven (7) days prior to the meeting.

Persons who are hearing or speech impaired, may contact the Office by using the Florida Relay Service, (800)955-8771 (TDD).

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**REGIONAL PLANNING COUNCILS**

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: North Central Florida (District 3) Local Emergency Planning Committee.

DATE AND TIME: November 18, 2005, 9:30 a.m.

PLACE: Alachua Regional Service Center, 14101 U.S. Highway 441, Suite 100, Alachua, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Local Emergency Planning Committee.

MEETING: North Central Florida Regional Hazardous Materials Response Team Policy Board

DATE AND TIME: November 18, 2005, 1:15 p.m.

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67 Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Hazardous Materials Response Team Policy Board.

Any persons deciding to appeal any decision with respect to any matter considered at the meetings may need 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.

Copies of agendas may be obtained by contacting: Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville,

FL 32653. Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

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**North Central Florida Regional Planning Council** announces a meeting of the Executive Committee to which all persons are invited.

DATE AND TIME: November 28, 2005, 12:00 noon

PLACE: The Gathering Restaurant, 26804 State Road 247, Branford, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

Any person deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made.

A copy of the agenda may be obtained by writing: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603. Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

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**The East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 16, 2005, 10:00 a.m. Please be advised that committee meetings will begin at 9:00 a.m.

PLACE: 631 North Wymore Road, Suite 100, Maitland, Florida 32751, (Please call (407)623-1075 ext. 304 to confirm date, time and place).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting of the East Central Florida Regional Planning Council.

A copy of the agenda may be obtained by writing: Mr. Jeff Jones, Acting Executive Director, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting [www.ecfrpc.org](http://www.ecfrpc.org).

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

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**The East Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, December 9, 2005, 10:00 a.m.

PLACE: Seminole County Emergency Operations Center, 150 Bush Blvd., Sanford, FL. (Please call (407)623-1075 ext. 335 to confirm date, time and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Quarterly Meeting of the Local Emergency Planning Committee, District VI.

A copy of the agenda may be obtained by writing: Ms. Teri Hunalp, LEPC Coordinator, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting [www.ecfrpc.org](http://www.ecfrpc.org).

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

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**The Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location.)

MEETING: Executive/Budget Committee

DATE AND TIME: Monday, December 12, 2005, 8:45 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.

MEETING: Tampa Bay Regional Planning Council

DATE AND TIME: Monday, December 12, 2005, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.

MEETING: TBRPC Legislative Committee

DATE AND TIME: Monday, December 12, 2005, 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.

MEETING: Agency On Bay Management

DATE AND TIME: Thursday, December 8, 2005, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.

MEETING: Clearinghouse Review Committee

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee

Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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**The Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: November 17, 2005, 9:30 a.m.  
PLACE: SWFRPC Offices, 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by contacting: Mr. David Burr, Executive Director, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, FL 33901, (239)338-2550, ext. #223 or on the SWFRPC website www.swfrpc.org.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will meet prior or immediately following the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. David Burr at (239)338-2550 at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Burr using the Florida Dual Party Relay System, 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

**REGIONAL TRANSPORTATION AUTHORITIES**

The **South Florida Regional Transportation Authority** will hold a regular committee meeting for the Property Committee, Board of Directors and an Attorney-client meeting.

**PROPERTY COMMITTEE**

DATE AND TIME: Monday, November 14, 2005, 8:30 a.m.  
PLACE: Main Conference Room, SFRTA's Administration Building, 800 N.W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

**BOARD MEETING**

DATE AND TIME: Monday, November 14, 2005, 9:30 a.m.  
PLACE: Board Room, South Florida Regional Transportation, Administration Building, 800 NW 33rd Street, Suite 100, Pompano Beach, Florida 33064

**ATTORNEY-CLIENT MEETING**

(Closed door meeting, pursuant to Section 286.011(8), F.S.)  
DATE AND TIME: Monday, November 14, 2005. The meeting will convene immediately after the opening of the regularly scheduled Board of Directors Meeting (9:30 a.m.)  
PLACE: Main Conference Room of the SFRTA  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the Board meeting will be to address any actions necessary regarding the following litigation: GLF Construction Corp. and Case Atlantic Company vs. Rust Constructors, Inc.,

in which SFRTA has been joined as a defendant, pending in the 15th Judicial Circuit in and for Palm Beach County (the "Litigation").

The purpose of the attorney-client meeting is to discuss settlement negotiations and strategy regarding the Litigation.

In attendance at the attorney-client meeting will be members of the SFRTA Board, the SFRTA Executive Director, representatives from: Greenberg Traurig, General Counsel, South Florida Regional Transportation Authority (Phillip Hutchinson and/or Mark Bideau, Teresa Moore and/or Bruce Giles-Klein) and a court reporter.

The transcript of the attorney-client meeting will be made part of the public record upon conclusion of the Litigation.

If you have any questions regarding these meetings, please do not hesitate to contact the Executive Office at (954)788-7915.

Attendance by South Florida Regional Authority Board Members may be in person or via conference telephone.

In accordance with the Americans with Disabilities Act and Section 286.26, F.S., persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to: Executive Office, 800 N.W. 33rd Street, Suite 100, Pompano Beach, FL 33064, or telephone (954)942-7245 for assistance; if hearing impaired, telephone (800)273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by the Board of Directors for the South Florida Regional Transportation Authority with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, 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. If you have any questions, please do not hesitate to contact the Executive Office at (954)788-7915.

**WATER MANAGEMENT DISTRICTS**

The **Southwest Florida Water Management District (SWFWMD)** announces the following public meeting(s) to which all interested persons are invited:

**PUBLIC LAND ACQUISITION AND MANAGEMENT PARTNERSHIP CONFERENCE**

DATES AND TIME: November 16-18, 2005, 9:00 a.m.  
PLACE: Marriott Resort, East Ocean Boulevard, Hutchinson Island, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A forum to provide insight into land acquisition, natural areas management and recreation, and water resources development and restoration. Some members of the District's Governing and Basin Boards plan to attend.

**BASIN BOARD LAND RESOURCES COMMITTEE**

DATE AND TIME: Thursday, November 17, 2005, 5:15 p.m.

PLACE: Marriott Resort, East Ocean Boulevard, Hutchinson Island, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact (800)423-1476 (Florida only), ext. 4609; TDD only (800)231-6103 (Florida only); FAX (352)754-6874.

The **Southwest Florida Water Management District** is seeking public input concerning staff's assessment of minimum levels for the Intermediate Aquifer System.

A public meeting on the Southwest Florida Water Management District staff's evaluation that minimum levels for the Intermediate Aquifer System are not appropriate will be held  
DATE AND TIME: Thursday, November 17, 2005, 6:00 p.m.

PLACE: District's Sarasota Service Office, 6750 Fruitville Road, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida law provides that a minimum flow or level is the limit at which further water withdrawals will cause significant harm to the water resources and/or environment. The District's Governing Board sets these limits as part of achieving a balance between meeting human water needs and those of Florida's natural systems.

This meeting will afford an important opportunity for local governments, citizens and others to participate in providing public input on staff's recommendations regarding minimum levels for the intermediate aquifer system. In addition, the Sarasota County Health Department will provide an overview of their study on well water quality in the North Port area of Sarasota County.

Public comment gathered at the meeting will be summarized and presented to the Governing Board when staff presents its recommendations at the District's Nov. 30 or Dec. 1 Governing Board meeting. Governing Board meetings are open to the public where brief oral comments are permitted on meeting agenda items.

Written comments are also welcome and can be submitted via mail or email: Ron Basso, Senior Professional Geologist, 2379 Broad Street, Brooksville, FL 34604-6899 or Ron.Basso@watermatters.org, no later than Nov. 29, 2005.

A draft report containing information on the assessment of minimum levels for the Intermediate Aquifer System is available under the Minimum Flows and Levels heading on the Documents and Publications page of the District's web site, WaterMatters.org. For more information, please contact Ron Basso, (352)796-7211, ext. 4291 or (800)423-1476, ext 4291.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: November 14, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: South Florida Water Management District Service Center, 205 North Parrott Avenue, Okeechobee, Florida 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Workshop Series on Modification of Kissimmee Basin Structure Operations. The workshop will introduce the KB Modeling and Operations Study and the EIS for Modification of Kissimmee Basin Structure Operating Criteria, describe structure operating objectives, and explain the process that will be used to evaluate and modify operations.

A copy of the agenda may be obtained by writing to: South Florida Water Management District, 205 North Parrott Avenue, Okeechobee, Florida 34972

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 Chris Carlson (561)682-6143, ccarlso@sfwmd.gov or Jeremy McBryan (561)682-2515, jmcmbryan@sfwmd.gov.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: November 16, 2005, 1:00 p.m. – 5:00 p.m.

PLACE: Hart Memorial Central Library, 211 East Dakin Avenue, B Lillie Conference Room 2nd Floor, Kissimmee, Florida 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public Workshop Series on Modification of Kissimmee Basin Structure Operations. The first workshop will introduce the KB Modeling and Operations Study and the EIS for Modification of Kissimmee Basin Structure Operating Criteria, describe structure operating objectives, and explain the process that will be used to evaluate and modify operations.

A copy of the agenda may be obtained by writing to the South Florida Water Management District, Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809.

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, at (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Chris Carlson (561)682-6143, ccarlso@sfwmd.gov) or Jeremy McBryan (561)682-2515, jmcmbryan@sfwmd.gov

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Friday, November 18, 2005, 9:00 a.m.

PLACE: The South Florida Water Management District, Richard Rogers Conference Room in Building B-1, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee, created pursuant to Section 373.41492, F.S., to review, discuss and approve revised fees-per-ton for mining operations. Meet Me #(850)488-2854; Suncom: 278-2854.

A copy of the agenda may be obtained at: (1) District website <http://www.sfwmd.gov/org/pld/proj/lakebelt/mitigcom.html>) or (2) by writing: South Florida Water Management District, MSC 7310, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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, at (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Beth McArdle, Land Resources Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7310, West Palm Beach, FL 33406, Telephone: (561)682-6172.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Tuesday, November 22, 2005, 10:00 a.m.

PLACE: The South Florida Water Management District Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained at: (1) District website: <http://www.sfwmd.gov/org/ema/toc/draftagenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, Telephone: (561)682-6611.

**SECOND REVISED NOTICE – The South Florida Water Management District** announces a public meeting to which all interested parties are invited: (Date, Time and Place are changed)

DATE AND TIME: November 8, 2005, 2:00 p.m.

PLACE: SFWMD Headquarters, B1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Governing Board of the South Florida Water Management District to adopt the Florida Forever Work Plan, 2006 Annual Update, included as Chapter 6, Volume II of the South Florida Environmental Report.

A copy of the agenda may be obtained seven days prior to the meeting at: (1) District website: <http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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: Wanda Caffie Simpson, Land Resources Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7350, West Palm Beach, FL 33406, Telephone: (561)682-6445.

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The Florida **Commission for the Transportation Disadvantaged** announces a Rate Review Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, November 18, 2005, 10:00 a.m. – completion

PLACE: Commission Business Office, 2740 Centerview Drive, Tallahassee, Florida 32301, (850)410-5700, Conference Call Number (850)414-1711, SunCom 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss regular committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact Niki Branch at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or (800)983-2435 or (800)648-6084 (TDD only). The meeting is subject to change upon chairperson's request.

The Florida **Commission for the Transportation Disadvantaged** announces a Finance, Audit, and Program Performance Committee Meeting to which all persons are invited.

DATE AND TIME: Friday, November 18, 2005, 1:00 p.m. – until completion

PLACE: 2740 Centerview Drive, Rhyne Building, Tallahassee, FL, (850)410-5700, Conference Call Number: (850)414-1711, Suncom 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular committee business.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact Niki Branch at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or (800)983-2435. The meeting is subject to change upon chairperson's request.

#### SPACEPORT FLORIDA AUTHORITY

The Florida **Space Authority** announces a Board of Supervisors teleconference meeting to which the public is invited.

DATE AND TIME: December 7, 2005, 1:00 p.m. – 3:00 p.m. EST

PLACE: Teleconference information can be obtained by contacting Jackie Martin at (321)730-5301, ext. 243

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will discuss the status of Authority programs in the areas of business development, space transportation and planning, construction and facilities, education, policy coordination and any other administrative issues that may need to be considered relating to the business of the Authority and other state agencies.

For more information, contact Glenn Vera, (321)730-5301, ext. 244. To obtain a copy of the agenda, write to the Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003 or visit their website at [www.floridaspaceauthority.com](http://www.floridaspaceauthority.com).

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

#### DEPARTMENT OF ELDER AFFAIRS

The **Senior Resource Alliance, the Area Agency on Aging of Central Florida, Inc.** announces that there will be a public hearing on the Area Plan on Aging 2006:

DATE AND TIME: Friday, November 18, 2005, 1:00 p.m. until 3:00 p.m.

PLACE: Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803

For more information, directions, or special accommodations, please call (407)228-1800.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council Health Plan Consumer Report Technical Workgroup, to which all interested parties are invited.

DATE AND TIME: Tuesday, November 30, 2005, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Health Plan Consumer Reports Technical Workgroup to discuss the content and format of reports to be published in 2006.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact William Dahlem, (850)410-0224 at least five calendar days prior to the meeting. A copy of the agenda may be obtained by writing to: William Dahlem, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, November 14, 2005, 1:00 p.m. – 3:00 p.m.

PLACE: Suncoast Region, Department of Children and Families, Substance Abuse and Mental Health Program Office, Mary Grizzle Building, Room 142-B, 11351 Ulmerton Road, Largo, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Area Five Managed Care Behavioral Health Advisory Group will hold its quarterly meeting. The purpose of the meeting is to provide a forum for the community to discuss issues surrounding managed behavioral health care services with representatives from the managed care plans, the Agency, and the Department of Children and Families.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jennifer Gallman, (813)871-7600, ext. 133, at least five calendar days prior to the meeting.

For additional information contact: Jennifer Gallman, Agency for Health Care Administration, 6800 North Dale Mabry Highway, Suite 200, Tampa, FL 33607; gallmanj@ahca.myflorida.com

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#### DEPARTMENT OF MANAGEMENT SERVICES

The State of Florida, **State Technology Office** announces a Chief Information Officers (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, November 21, 2005, 10:00 a.m. – 12:00 noon

PLACE: Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Diane McGuffey at mcguffey.diane@mail.dc.state.fl.us or call (850)410-4702.

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The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, December 1, 2005, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032. The Meet-Me telephone number is (850)487-9580 or SUNCOM 277-9580.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, ext. 1032, at least five working days prior to the meeting.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of a meeting of the Advisory Council on Condominiums.

DATES AND TIMES: Monday, December 5, 2005, 5:00 p.m. until 10:00 p.m., and Tuesday, December 6, 2005, 10:00 a.m. until 3:00 p.m.

PLACE: Monday, December 5, 2005, Seven Lakes Condominium Association Auditorium, 1965 Seven Lakes Boulevard, Ft. Myers, FL; Tuesday, December 6, 2005, Law Offices of Becker & Poliakoff, P.A., 14241 Metropolis Avenue, Suite 100, Ft. Myers, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monday, December 5, 2005: Public Input; Tuesday, December 6, 2005: General Business

AGENCY CONTACT PERSON: Jesse Duncan, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032, Telephone: (850)488-1631.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Jesse Duncan, Administrative Assistant, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771 TDD.

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The Florida **Board of Architecture and Interior Design** announces the following meeting to which all persons are invited to attend.

DATE AND TIME: November 28, 2005, 1:00 p.m.

PLACE: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, Florida 32308-4893

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 Probable Cause Panel Meeting, portions may be closed to the public.

The following cases are open to the public:

- Lynda Anfang, Case No. 2004-061362
- Architectural Projects and Design, Inc., Case No. 2004-044120
- Michael Arnold, Case No. 2005-039961
- Arts & Décor, Inc., Case No. 2005-007521
- Sharon Bolding, Case No. 2005-028649
- John Burt, Case No. 2005-011590
- Robert Carter, Case No. 2004-051378
- Chip Casto, Case No. 2005-039950
- Donna Cavallaro, Case No. 2005-039957
- Robert Coba, Case No. 2005-028649
- Stella Ekovich, Case No. 2005-039939
- Kerby Glenn, Case No. 2005-027073
- Cheryl Gonsalves, Case No. 2005-039954
- Judy Graham, Case No. 2005-021645
- Brittany Gutierrez, Case No. 2005-002119
- Elena Johnson, Case No. 2005-003435
- Patrick Knowles, Case No. 2004-043534
- Eric Latine, Case No. 2005-027478
- Victoria Lavoie, Case No. 2005-024733
- Diane Leone, Case No. 2005-007482
- Jeff A. Lewis, Case No. 2005-002114
- Mother & Son Wallpapering, Inc., Case No. 2004-049144
- Tasuku Ohazama, Case No. 2001-09506
- Allison Paladino, Case No. 2005-040094
- Allison Paladino, Inc., Case No. 2005-040087
- Ronald Patterson, Case No. 2005-046468
- Perfect Piece, Case No. 2005-003425
- Mary Porter, Case No. 2005-004206
- Joan Russell, Case No. 2005-039968
- Ryan Alexander Group, Inc., Case No. 2005-021700
- Jorge Salazar, Case No. 2005-028631
- Reiner Sanchez, Case No. 2004-027260
- Sahara Dreams, Inc., Case No. 2004-046628
- Emily Smith, Case No. 2005-006804
- Sandy Smith, Case No. 2005-039943
- Saxon-Clark, Inc., Case No. 2005-007502
- Rolando Sosa, Case No. 2005-011150
- Vernon Thompson, Case No. 2004-059549
- Caeser A. Todaro, Case No. 2005-023920
- Kerry Turner, Case No. 2005-027488
- Joseph Vislay, Case No. 2002-01985

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, Florida 32308-4893.

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 Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570 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 which can be reached (800)955-8770 (Voice) and (800)955-8771 (TDD).

The Florida **Board of Architecture and Interior Design** announces the following meeting to which all persons are invited.

DATE AND TIME: November 29, 2005, 9:00 a.m. EST.

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 General Business: discussion items include – architecture profession, interior design profession, rules, Continuing Education Task Force and review of applications.

DATE AND TIME: November 30, 2005, 9:00 a.m. EST.

PLACE: The Department of Business and Professional Regulation, Northwood Centre, Professions Board Room, 1940 N. Monroe Street, Tallahassee, FL 32310, Telephone: (850)487-8304

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 General Business

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)487-8304 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached, (800)955-8770 (Voice) and (800)955-8771 (TDD).

NOTICE OF RESCHEDULING – The **Department of Business and Professional Regulation** announces a telephone conference meeting of the Florida **Barbers’ Board** to which all persons are invited to participate. This is a reschedule of the November 7, 2005 Florida Barbers’ Board Meeting which was cancelled due to Hurricane Wilma.

DATE AND TIME: Monday, December 5, 2005, 9:00 a.m. or soon there after

PLACE: By telephone conference call. The number to dial to connect to the telephone conference call is (850)414-1711 or Suncom 994-1711.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing: Florida Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern at (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached, (800)955-8770 (voice) and (800)955-8771 (TDD).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, January 11, 2006, 2:00 p.m.; Thursday, January 12, 2006, 8:00 a.m.; and Friday, January 13, 2006, 8:00 a.m.

PLACE: Hilton Ocala, 3600 S. W. 36th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL. 32399-1039.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)922-2701 at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay, (800)955-8771 (TDD) or (800)955-8770 (Voice).

The **Board of Professional Geologists** announces a General Business Meeting, to which all interested parties are invited to attend.

DATES AND TIMES: January 25, 2006, 1:00 p.m.; and January 26, 2006, 9:00 a.m.

PLACE: Crown Plaza Singer Island, 3200 North Ocean Drive, Singer Island, Florida 33404

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct General Business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL. 32399 or by calling (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, (800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Tuesday, January 24, 2006.

The **Board of Professional Surveyors and Mappers** announces a Probation Review Committee, Continuing Education Committee, Application Review Committee, Privatization Committee, Rules Workshop, and a General Business Meeting. All interested parties are invited to attend at the address listed below.

DATES AND TIMES: January 10, 2006, 8:30 a.m., Continuing Education Committee meeting followed by a Application Review Committee meeting, followed by a Privatization Committee meeting, followed by a Rules Workshop, followed by a General Business Meeting, if time allows.

January 11, 2006, 8:00 a.m., Probation Review Committee meeting followed by a General Business meeting. January 12, 2006, 8:00 a.m., General Business Meeting

PLACE: Department of Business and Professional Regulation, Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board business.

A copy of the agenda may be obtained by writing: John Knap, Executive Director, Department of Business and Professional Regulation, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756 or by calling (850)487-1395.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made,

which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, (800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact John Knap by Monday, January 2, 2006.

The **Florida Board of Veterinary Medicine** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: December 6, 2005, 8:00 a.m.

PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, FL 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need 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)922-7154 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 which can be reached, (800)955-8770 (Voice) and (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 **Board of Acupuncture** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, December 2, 2005, commencing at 9:00 a.m. or soon thereafter.

PLACE: The Sheraton Ft. Lauderdale Airport, 1825 Griffin Road, Ft. Lauderdale, FL 33004, (954)920-3500

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 Board of Acupuncture, (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, (800)955-8770 (Voice) and (800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Acupuncture, 4052 Bald Cypress Way, Bin C-06, 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.

The Florida **Board of Medicine** announces a meeting to which all persons are invited.

DATES AND TIME: Friday and Saturday, December 2-3, 2005, 8:00 a.m.

PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, FL 33004, (954)920-3500

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: 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, (800)955-8770 (Voice) and (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**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, December 1, 2005, 2:00 p.m.

PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, FL 33004, (954)920-3500

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, (800)955-8770 (Voice) and (800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The Florida **Board of Medicine**, Dietetics-Nutrition/Electrolysis Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, December 2, 2005 immediately following the Board Meeting

PLACE: Meet Me Number: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, FL 33004, (954)920-3500

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, (800)955-8770 (Voice) and (800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

The **Department of Health, the Board of Occupational Therapy** announces a meeting of the board to which all persons are invited:

DATE AND TIME: November 14, 2005, beginning at approximately 8:00 a.m., or soon thereafter

PLACE: 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office, (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 (800)955-8770 (Voice) or (800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services**, District 12 Community Alliance Nominating and ByLaws Committees announces a joint public meeting to which all persons are invited.

DATE AND TIME: November 8, 2005, 9:00 a.m.

PLACE: Department of Children and Family Services, 210 N. Palmetto Ave., Conference Room 144, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn.: Denise Kelly).

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (386)238-4648 at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY (800)955-8771.

The **Department of Children and Family Services**, District 12 Community Alliance New Member Orientation announces a public meeting to which all persons are invited.

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

PLACE: Department of Children and Family Services, 210 N. Palmetto Ave., Conference Room 440, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284 (Attn.: Denise Kelly).

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (386)238-4648 at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY (800)955-8771.

The **Council on Homelessness** announces a meeting of the full Council:

DATE AND TIME: December 1, 2005, 9:00 a.m. – 3:00 p.m.

PLACE: Department of Health, Building 4025, Room 340N, 4025 Esplanade Way, Tallahassee, FL; The call number is (850)488-3676 and the Suncom number is 278-3676.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will be reviewing and approving its 2005 Report for submission to the Governor and Legislature.

A copy of the agenda may be obtained by contacting: Thomas Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)922-9850, tom\_pierce@dcf.state.fl.us.

Pursuant to Section 286.26, F.S., any disabled person wishing to access this meeting, who may be in need of special assistance, should contact the Office on Homelessness (850)922-4691, at least 48 hours in advance of the meeting.

**FLORIDA HOUSING FINANCE CORPORATION**

The **Florida Housing Finance Corporation** announces the following Review Committee meetings to which all persons are invited to attend:

DATE AND TIME: Tuesday, November 22, 2005, 2:00 p.m., EST.

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of the response(s) submitted for Florida Housing Finance Corporation’s Request for Proposals #2005-05 for the Development and Rehabilitation of Migrant Farmworker Housing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Robin Grantham, Florida Housing Finance Corporation, (850)488-4197, at least five (5) calendar days prior to the meeting.

If you are hearing impaired, please contact Florida Housing Finance Corporation using the Florida Dual Party Relay System, (800)955-8770 (Voice) and (800)955-8771 (TDD).

If any person decides to appeal any decision made by Florida Housing Finance Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings be made, which record shall include the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a Retreat of the Board of Directors to which all interested parties are invited:

DATE AND TIME: December 8, 2005, 8:00 a.m. – 9:00 p.m.

PLACE: Hyatt Regency Tampa, Two Tampa City Center, Tampa, FL 33602

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
2. Such other matters as may be included on the Agenda for the December 8, 2005, Board Retreat.

A copy of the agenda may be obtained approximately two days prior to the Retreat by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Telephone (850)488-4197, or by visiting the Corporation’s website at [www.floridahousing.org](http://www.floridahousing.org).

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney at the Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, which can be reached (800)955-8770 (Voice) and (800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and



for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a meeting of the Board of Directors to which all interested parties are invited:

DATE AND TIME: December 9, 2005, 9:00 a.m. until adjourned

PLACE: Hyatt Regency Tampa, Two Tampa City Center, Tampa, FL 33602, (813)225-1234

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.

17. Consideration of workouts or modifications for existing projects funded by the Corporation.

18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.

19. Consideration of funding additional reserves for the Guarantee Fund.

20. Consideration of audit issues.

21. Evaluation of professional and consultant performance.

22. Such other matters as may be included on the Agenda for the December 9, 2005, Board Meeting.

A copy of the agenda may be obtained approximately two days prior to the meeting by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, Telephone (850)488-4197, or by visiting the Corporation's website at [www.floridahousing.org](http://www.floridahousing.org).

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Sheila Freaney, Florida Housing Finance Corporation at (850)488-4197 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, which can be reached (800)955-8770 (Voice) and (800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission (FWC), Division of Law Enforcement**, announces a public workshop concerning the FWC's Proposed Airboat Muffling Enforcement Protocol and Courteous Operation Educational Effort, to which all interested persons are invited:

DATE AND TIME: November 21, 2005, 6:30 p.m. – 9:00 p.m.

PLACE: Fish and Wildlife Conservation Commission, South Region Office, Conference Room, 8535 Northlake Boulevard, West Palm Beach, FL 33412

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

This workshop was previously scheduled on October 26, 2005 in Dania Beach but was cancelled due to Hurricane Wilma. Due to hurricane damage the FWC is not able to reschedule the workshop in Broward County. The FWC is holding this workshop to receive public comments regarding their proposed enforcement protocol pertaining to muffling airboat engines. Additionally, the Commission is asking for public input in its

preparation to initiate an educational effort which will focus on safe and courteous airboat operation with emphasis on the reduction of airboat sound levels.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least five calendar days before the workshop by contacting: ADA Coordinator, (850)488-6411.

If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

The person to be contacted regarding the workshops is: Captain Richard Moore, Boating Law Administrator, Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32999-1600, Telephone (850)488-5600.

The **Florida Fish and Wildlife Conservation Commission** has scheduled a public meeting. This notice announces the date, time and place of that meeting to which all interested persons are invited:

**DATES AND TIME:** November 30, 2005 through December 1, 2005, 8:30 a.m., each day

**PLACE:** Sheraton Beach Resort, 9700 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on proposed rules and policy issues.

A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed.

For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the workshop or meeting is asked to advise the Commission at least 5 calendar days prior by calling the, ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

**LEGAL AUTHORITY:** Article IV, Section 9, Florida Constitution.

## DEPARTMENT OF FINANCIAL SERVICES

**NOTICE OF RESCHEDULED FROM DECEMBER 8, 2005 IN ORLANDO – 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:** December 1, 2005, 9:00 a.m. – 5:00 p.m.

**PLACE:** The Capitol, Room 309, Tallahassee, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Training of New Board and Regular Board Business.

The above date relates to the initial meeting of the new Board of Funeral, Cemetery, and Consumer Services. The public is advised to check with Department 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 & Consumer Services, which is on the website of the Department 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 meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services, on the website of the Department of Financial Services ([www.fldfs.com](http://www.fldfs.com)).

A copy of the agenda may also be obtained by writing to: Department of Financial Services, Division of Funeral, Cemetery & Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms Bryant, (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 at (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, (800)955-8771 (TDD); or (800)955-8770 (Voice), for assistance.

## CITIZENS PROPERTY INSURANCE CORPORATION

**NOTICE OF RELOCATION – The Citizens Property Insurance Corporation** announces a meeting to which all interested parties are invited to attend:

DATE AND TIME: Wednesday, November 16, 2005, 3:30 p.m. – 5:30 p.m. (EDT)

PLACE: Radisson Hotel, 4700 Salisbury Road, Jacksonville, Florida

For additional information, please call (800)807-7647, extension 3744.

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The **Citizens Property Insurance Corporation** announces an Actuarial and Underwriting Committee Meeting to be held via conference call:

DATE AND TIME: Monday, November 28, 2005, 9:00 a.m. – 11:00 a.m. (EDT)

PLACE: Via Conference Call Phone Number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, HRA & PLA Actuarial Analyses.

For additional information, please call (800)807-7647, extension 3744.

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**FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces an FAJUA Ad Hoc Vendor Review and Selection Committee Meeting and FAJUA Board of Governors teleconference to which all persons are invited:

Ad Hoc Vendor Review and Selection Committee Teleconference

DATE AND TIME: Tuesday, November 15, 2005, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review Servicing Carrier RFP Draft and any other matters that may come before the committee.

FAJUA Board of Governors Teleconference

DATE AND TIME: Tuesday, November 22, 2005, 11:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Ratify Conflict of Interest Requirement and any other matters that may come before the Board.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, lstoutamire@fajua.org.

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**FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC. (FWCJUA)**

The **FWCJUA** announces an Audit Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: December 5, 2005, 2:00 p.m.

PLACE: To participate in the teleconference meeting, please dial 1(888)632-5950 on December 5, 2005, 2:00 p.m., and ask to be connected to the Laura Torrence conference call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FWCJUA Audit Committee agenda topics will include but not limited to approval of the minutes; assessment methodology; and Audit Committee Charter Checklist with detail of Internal Controls Review.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Michael Cleary, Program Manager (941)378-7404.

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The **FWCJUA** announces a Reinsurance Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: November 18, 2005, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please dial (888)632-5950 on November 18, 2005, 10:00 a.m., and ask to be connected to the Laura Torrence conference call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FWCJUA Reinsurance Committee agenda topics will include but not limited to approval of the minutes and the 2006 renewal program.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Michael Cleary, Program Manager, (941)378-7404.

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The **FWCJUA** announces a Rates & Forms Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: November 18, 2005, 4:00 p.m.

PLACE: To participate in the teleconference meeting, please dial (888)632-5950 on November 18, 2005, 4:00 p.m., and ask to be connected to the Laura Torrence conference call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include but not limited to approval of minutes; Milliman USA contract extension; and rate issues.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Michael Cleary, Program Manager at (941)378-7404.

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The **FWCJUA** announces an Operations Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: November 21, 2005, 2:00 p.m.

PLACE: To participate in the teleconference meeting, please dial (888)632-5950 on November 21, 2005, 2:00 p.m., and ask to be connected to the Laura Torrence conference call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include but not limited to approval of minutes; 2006 Business Plan & Forecast; and FWCJUA Operations Manual revisions.

A copy of the agenda may be obtained from the FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Michael Cleary, Program Manager, (941)378-7404.

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**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, November 15, 2005, 8:30 a.m.

PLACE: County Commission Chambers, 412 West Orange Street, Room 102, Wauchula, Florida

For more information call the 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, Florida Statutes. 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.

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**FLORIDA INSURANCE GUARANTY ASSOCIATION**

The **Florida Insurance Guaranty Association** announces a telephone conference board meeting to which all interested parties are invited to attend.

DATE AND TIME: Tuesday, December 6, 2005, 9:00 a.m. (Eastern Time), recessing upon conclusion of the agenda.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Insurance Guaranty Association will meet regarding the business of the Association.

A copy of the agenda and telephone conference number may be obtained by contacting Cathy Irvin, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate the meeting is asked to advise the Association by contacting Cathy Irvin, (850)386-9200, at least 48 hours before the session if the person wishes to participate. A person who is hearing or speech impaired may also contact the TDD at (800)955-1339.

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**FLORIDA COMPREHENSIVE HEALTH ASSOCIATION**

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Tuesday, November 22, 2005, 1:30 p.m.

PLACE: Department of Financial Services, 200 E. Gaines Street, Larson Building, Room 101B, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 820 E. Park Avenue, D-200, Tallahassee, Florida 32301, (850)309-1200 or by facsimile (850)309-1222.

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, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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**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: December 8, 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.

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**FLORIDA PATIENT SAFETY CORPORATION**

The **Florida Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 1, 2005, 9:30 a.m. – 3:00 p.m.

PLACE: HCA North Florida Division Office, 101 N. Monroe Street, Suite 801, Tallahassee, FL 32301

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 at [susan.a.moore@comcast.net](mailto: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.

**JUSTICE ADMINISTRATIVE COMMISSION**

The **Justice Administrative Commission (JAC)** announces a meeting to which all interested persons are invited.

DATE AND TIME: December 7, 2005, 11:00 a.m. EST  
PLACE: JAC Conference Room, 227 N. Bronough Street, Suite 2100, Tallahassee, Florida, 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The JAC Classification and Pay Plan as well as other business as required.

A copy of the agenda will be available upon request. For this, or other inquiries, contact Jessica Kranert, (866)355-7902. An audio recording of this meeting will be made.

In conjunction with the Americans with Disabilities Act, please contact Human Resources, (866)355-7902 if special accommodations are needed.

If you are hearing or speech impaired please contact the JAC using the Florida Dual Party Relay System which can be reached at (800)955-8770 (voice) or (800)955-8771 (TDD).

**PRIDE ENTERPRISES**

The **Pride Enterprises BOD Audit Committee** announces a conference call to which all interested parties are invited.

DATE AND TIME: Monday, November 14, 2005, 4:00 p.m. EST.

PLACE: Call in (800)371-8200 code 77185#  
www.pride-enterprises.org

**SUNSHINE STATE ONE-CALL OF FLORIDA**

The **Sunshine State One Call of Florida, Inc. (SSOCOF)** announces its Board and Committee meetings to which all interested persons are invited. Dress is business casual.

PLACE: SSOCOF, Call Center, 11 Plantation Road, DeBary, FL 32713

DATE AND TIME: November 17, 2005, Committee Meetings beginning 8:00 a.m.

- 8:00 Operations Committee – Harry Glenn
- Call Center Statistics
- Attrition Report
- Customer Satisfaction Survey Responses
- Language Line Pilot Status
- Ticket Management System Proposals
- FDOT SUE Pilot Project Results
- Member Ticket Management System Proposals
- 811 Implementation Status

- ITE Emergency Ticket Creation by Non-Members
- 10:00 Break
- 10:15 Damage Prevention Committee – Chris Calvert
- Noncompliance Statistics
- Enforcement Statistics
- Damage Prevention Symposium Results
- Excavator Damage Prevention Education CD Project
- Professional Angler Program Results
- Children’s Damage Prevention Program
- 12:00 Lunch – provided at call center for meeting participants and SSOCOF employees
- 1:00 Finance Committee – Deryle Calhoun
- FY 2005/06 Financial Reports
- FY 2005/06 Delinquent Accounts Report
- FY 2005/06 Contracts Approved
- Employee Retirement Plan Proposals
- FY 2006/07 Preliminary Capital Budget Item List
- 2:30 Break
- 2:45 Legislative Ad Hoc Committee – Jeff Rodger
- Proposed Amendments to Chapter 556, F.S.
- Legislative Report – Mike Moore
- 4:00 Excavation Guide Ad Hoc Committee – Lynn Irvin
- 4:30 Storm Planning Ad Hoc Committee – Dave Wheeler
- 5:00 Adjourn

Note: All committees should be prepared to commence if the previous committee finishes before allotted time. If a committee needs additional time, that time will be allotted after the last scheduled committee has met.

- DATE AND TIME: November 18, 2005, Board Meeting beginning 8:00 a.m.
- 8:00 Secretary’s Report – Froilan Baez
- 8:15 Consent Agenda – Larry Batchelor
- 8:45 Executive Director’s Report – Mark Sweet, Executive Director
- 9:00 Trip Reports
- 9:15 Legal Report – Dave Erwin, General Counsel
- 9:45 Break
- 10:15 Committee Reports
- Operations Committee – Harry Glenn
- Damage Prevention Committee – Chris Calvert
- Finance Committee – Deryle Calhoun
- Storm Planning Ad Hoc – Dave Wheeler
- Excavation Guide Ad Hoc Committee – Lynn Irvin
- Legislative Ad Hoc Committee - Jeff Rodger
- 12:00 Lunch – provided at call center for meeting participants and SSOCOF employees
- 1:00 Resume Committee Reports
- 3:00 Break
- 3:15 Open Discussion
- 4:00 Problem Resolution
- 5:00 Adjourn

Attention: Please deliver this to the primary contact for Sunshine State One-Call of Florida and/or someone who plays an active role in underground facility damage prevention. Persons requiring some accommodation at this meeting because of a physical impairment should call the one-call notification center at (386)575-2000 at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center, (800)955-8771.

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning received a request for Declaratory Statement on September 26, 2005, from David Jon Russ. It was assigned the number DCA05-DEC-179. A Final Order dismissing the petition for failure to meet the requirements of the Uniform Rules in Administrative Code Rule 28-105.001 was entered by the Clerk on November 1, 2005. A copy of the Final Order may be obtained by writing: 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."

### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Dismissing Petition with Leave to Refile In Re: Petition for Declaratory Statement, Marck Cross, Unit Owner, Emerald Hill Owners Association, Inc., Docket Number 2005045710.

A copy of the Order Dismissing Petition with Leave to Refile, 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.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a Declaratory Statement In Re: Petition for Declaratory Statement, Wimbledon Townhouse Condominium III Association, Inc., Docket Number 2005047257.

The Division finds that the Association must continue to budget separately for each condominium it operates unless it amends its documents in accordance with Section 718.111(6), F.S., to provide for consolidated budgeting, but may not adopt a hybrid form of budgeting that consolidates complex-wide expenses and assesses condominium specific expenses separately.

A copy of the Declaratory Statement, Docket Number 2005047257, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Henry Clayton Cofield, Petitioner, Venetia Condominium Association, Inc.; Docket No. 2005048159.

Whether a provision in the articles of incorporation for Venetia Condominium Association, Inc. that grants the 41 commercial unit owners the right to elect two seats on a three member board of directors and the 341 residential unit owners the right to elect one seat on the board complies with Section 718.404, Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2005048159, may be obtained by writing to the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Construction Industry Licensing Board hereby gives notice that it has issued a Final Order on the Petition for Declaratory Statement filed on August 23, 2005, by William Moseley. The Board reviewed the Petition at its meeting held on September 16, 2005, in Naples, Florida. The Board's Final Order, filed in this cause on October 21, 2005, gives the following answers to the questions outlined in the Petition:

A. No, a non-permanent, non-fixed, above-ground pool is not considered a "residential" pool, for purposes of Section 489.105(3)(k), Florida Statutes;

B. No, a license is not required for the installation of a non-permanent, non-fixed, above-ground pool; and  
C. Not applicable.

A copy of the Petition and the Board’s Final Order may be obtained by contacting: Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

The Construction Industry Licensing Board hereby gives notice that it has received a Petition for Declaratory Statement, which was filed by the Deputy Clerk on October 14, 2005, and submitted by T. Gregory Lang (Petitioner). Petitioner seeks the Board’s interpretation of Section 489.105(3)(f),(g), and (i), Florida Statutes, as it relates to the scope of Class “A” and “B” Air Conditioning licenses and Mechanical Contracting licenses, with regards to the testing, adjusting, and balancing of HVAC air and hydronic systems. The Board will consider the Petition at its meeting, to be held on January 13, 2006, in Ocala, Florida.

Copies of the Petition may be obtained by writing: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, Florida 32399-1039.

**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 VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO CONSTRUCTION MANAGERS:**

The University of Florida Board of Trustees, announces that construction management services will be required for the project listed below:

Project No.: UF-242

Project: IFAS Indian River Biological & Agricultural Research Facility

Location: Ft. Pierce, FL.

The project consists of the demolition of existing building #7309 and the construction of a 15,424 square foot laboratory/office facility that will include greenhouse space and adjoin with existing building #7321. The estimated construction cost is \$3,174,840.00.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 60% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager’s contract. Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path

scheduling expertise; cost estimating; cost control ability; quality control capability; and qualification of the firm's personnel, staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard University of Florida construction management agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed project specific "Construction Manager Qualifications Supplement" available from the website: [www.facilities.ufl.edu](http://www.facilities.ufl.edu). Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The Construction Manager Qualifications Supplement forms, the Construction Manager Project Fact Sheet and instructions for registering as an applicant can be found on the Facilities Planning & Construction website.

Six bound copies of the required proposal must be received in the Facilities Planning & Construction Division office by 3:00 p.m. local time on December 8, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning & 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)

#### NOTICE TO ELECTRICAL CONTRACTORS

Florida State University announces that construction management services will be required for the project listed below:

Project and Location: Minor Electrical Projects  
Florida State University

Project Description: The electrical construction manager will be a single point of responsibility for performance of minor project construction contracts, functioning as an independent contractor; publicly bidding trade contracts. A minor project is defined as a project with a construction budget estimated to be less than \$1,000,000. Accordingly, the selected firm's minimum bonding capacity should be \$1,000,000 and be sufficient to contract multiple concurrent projects. The University intends to award contracts to one electrical construction manager for an initial period beginning on or about January 15, 2006 and ending June 30, 2007 with an option to renew for two additional one year periods.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants.

#### Specific Qualifications:

1. Firm must maintain a fully staffed office with proven electrical and project management expertise.
2. Full time personnel with experience and training in low, medium and high voltage systems is essential. Resume of key team members will be required.
3. Experience with renovation, repair and/or replacement of electrical switchgear and component electrical equipment and cabling systems under emergency conditions.
4. The contractor must be a certified electrical contractor licensed by the State of Florida, Department of Business and Professional Regulation at the time of application.

Finalists will be provided with a description of the final interview requirements and a copy of the standard Florida State University construction management agreement for minor projects. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the architect/engineers under contract with the University to provide services on minor projects.

#### INSTRUCTIONS:

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement for Minor Contracts." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.



Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement form and the Project Fact Sheet may be obtained on line at [www.fpc.fsu.edu](http://www.fpc.fsu.edu) or by contacting:

Lynetta Mills, Facilities Design & Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152

(850)644-2843 telephone, (850)644-8351 facsimile

For further information on minor electrical projects, contact: James M. Reynolds, Project Manager, at the address and phone listed above.

Four (4) bound copies of the required proposal data shall be submitted. Submittals must be received at the above location by 2:00 PM, local time, on Wednesday, December 14, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

**NOTICE TO MECHANICAL CONTRACTORS**

Florida State University announces that construction management services will be required for the project listed below:

Project and Location: Minor Mechanical Projects  
Florida State University

Project Description: The mechanical construction manager will be a single point of responsibility for performance of minor project construction contracts, functioning as an independent contractor; publicly bidding trade contracts. A minor project is defined as a project with a construction budget estimated to be less than \$1,000,000. Accordingly, the selected firm's minimum bonding capacity should be \$1,000,000 and be sufficient to contract multiple concurrent projects. The University intends to award contracts to one mechanical construction manager for an initial period beginning on or about January 15, 2006 and ending June 30, 2007 with an option to renew for two additional one year periods.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, staff and consultants.

**Specific Qualifications:**

1. Firm must maintain a fully staffed office with proven mechanical/HVAC and project management expertise.
2. Full time personnel with experience and training in refrigeration and heating systems is essential. Resume of key team members will be required.
3. Experience with renovation, repair and replacement of chillers up to 1,200 tons is essential.
4. Experience with air-conditioning and heating systems/equipment installations, air distribution systems, startup, repairs, testing, DDC controls system/component commissioning and troubleshooting is necessary.
5. The contractor must be a certified mechanical contractor licensed by the State of Florida, Department of Business and Professional Regulation at the time of application.

Finalists will be provided with a description of the final interview requirements and a copy of the standard Florida State University construction management agreement for minor projects. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the architect/engineers under contract with the University to provide services on minor projects.

**INSTRUCTIONS:**

Firms desiring to provide construction management services for the project shall submit a letter of application and the completed Florida State University "Construction Manager Qualifications Supplement for Minor Contracts." Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm(s) must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Florida State University Construction Manager Qualifications Supplement form and the Project Fact Sheet may be obtained on line at [www.fpc.fsu.edu](http://www.fpc.fsu.edu) or by contacting:

Lynetta Mills, Facilities Design & Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152; (850)644-2843 telephone, (850)644-8351 facsimile

For further information on minor mechanical projects, contact: James M. Reynolds, Project Administrator, at the address and phone listed above.

Four (4) bound copies of the required proposal data shall be submitted. Submittals must be received at the above location by 2:00 p.m., local time, on Wednesday, December 14, 2005. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE OF CHANGE TO PROFESSIONAL CONSULTANTS

Florida A&M University (FAMU), hereby notifies all Professional Consultants of changes to the following advertisements: 1) the request for Professional Consultants/Construction Managers required for Continuing Contract Projects in the following disciplines: Architects (2), Mechanical/Electrical Engineers (2), Environmental Consultants (2); and Construction Managers (2), submittals due 2:00 p.m. local time, November 30, 2005; and 2) the request for Professional Consultants required for Project No.: FM-307, University Commons Renovations, submittals due 2:00 p.m., local time, December 12, 2005, Florida A&M University, Tallahassee, Florida (published in the Florida Administrative Weekly, Vol. 31, No. 43, October 28, 2005, Pages 3959-3960 Section XI – Notices Regarding Bids). THE CHANGES ARE AS FOLLOWS: 1) SUBMITTALS ARE TO BE FORWARDED ON THE ORIGINAL DATE AND TIME INDICATED TO THE DIRECTOR OF PURCHASING, FAMU PURCHASING DEPARTMENT, FLORIDA A&M UNIVERSITY, SUITE 208, FHAC, FOOTE-HILYER ADMINISTRATIVE CENTER, TALLAHASSEE, FL 32307; AND 2) THE PROGRAM FOR THE UNIVERSITY COMMONS RENOVATIONS PROJECT IS NOT AVAILABLE AT TARGET COPY AS INDICATED IN THE AD (PROGRAM INFORMATION WILL BE PROVIDED BY THE FAMU FACILITIES PLANNING AND CONSTRUCTION OFFICE). Everything else remains unchanged.

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#### NOTICE TO FINANCIAL INSTITUTIONS

The New College of Florida Development Corporation (NCFDC) announces that it is seeking responses from financial institutions interested in serving as underwriter and/or letter of credit provider in connection with the issuance of approximately \$28 million of Educational Facilities Revenue Bonds.

PROJECT NUMBER: NCDC Project 05-01.

PROJECT NAME: New College of Florida Dormitory and Student Center Project

PROJECT BUDGET: \$28,000,000

PROJECT DESCRIPTION: The NCFDC is a direct support organization for New College of Florida. New College of Florida is Florida's designated honors college with its campus located in Sarasota, Florida.

New College of Florida is proposing to design and construct 203 new beds in residence hall(s) of approximately 68,800 gross square feet (GSF), to renovate three existing residence halls comprising 249 beds in 73,177 GSF, to design and construct renovations or replacement of the existing student activities center of approximately 24,779 GSF, and to add approximately 5,000 GSF of new student services space.

The project will be financed through the issuance of approximately \$28 million of Educational Facilities Revenue Bonds, Series 2006, to be issued by the NCFDC. Revenue sources to be pledged include housing revenues and other legally permissible sources.

SERVICES SOLICITED: The NCFDC has issued a Request for Proposals (RFP) soliciting responses from financial institutions interested in serving as underwriter and/or letter of credit provider in connection with the issuance of the Educational Facilities Bonds. Interested firms may propose to serve as Investment Banker/Remarketing Agent and Letter of Credit Provider, or solely serve as Investment Banker/Remarketing Agent or Letter of Credit Provider.

HOW TO OBTAIN RFP: The RFP can be obtained and printed directly from the New College of Florida website at the following web address: [www.NCF.edu/purchasing/bondunderwriter](http://www.NCF.edu/purchasing/bondunderwriter).

RESPONSE DUE DATE: Responses to the RFP must be submitted in accordance with the terms of the RFP on or before 5:00 p.m. on November 29, 2005.

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#### NOTICE TO LAW FIRMS

The New College of Florida Development Corporation (NCFDC), announces that it is seeking responses from law firms with experience in higher education bond law to serve as Bond Counsel in connection with financings, transactions, and legal matters relating to the issuance of approximately \$28 million of Educational Facilities Revenue Bonds.

PROJECT NUMBER: NCDC Project 05-01.

PROJECT NAME: New College of Florida Dormitory and Student Center Project

PROJECT BUDGET: \$28,000,000

PROJECT DESCRIPTION: The NCFDC is a direct support organization for New College of Florida. New College of Florida is Florida's designated honors college with its campus located in Sarasota, Florida.

New College of Florida is proposing to design and construct 203 new beds in residence hall(s) of approximately 68,800 gross square feet (GSF), to renovate three existing residence halls comprising 249 beds in 73,177 GSF, to design and construct renovations or replacement of the existing student activities center of approximately 24,779 GSF, and to add approximately 5,000 GSF of new student services space.

The project will be financed through the issuance of approximately \$28 million of Educational Facilities Revenue Bonds, Series 2006, to be issued by the NCFDC. Revenue sources to be pledged include housing revenues and other legally permissible sources.

**SERVICES SOLICITED:** The NCFDC has issued a Request for Proposals (RFP) soliciting responses from law firms interested in serving as Bond Counsel in connection with the financings, transactions, and legal matters relating to the issuance of the Educational Facilities Revenue Bonds. The services solicited through the RFP envision a three-year contract term with the selected Bond Counsel, with extensions to be granted at the discretion of the NCFDC.

**HOW TO OBTAIN RFP:** The RFP can be obtained and printed directly from the New College of Florida website at the following web address: [www.NCF.edu/purchasing/bondcounsel](http://www.NCF.edu/purchasing/bondcounsel).

**RESPONSE DUE DATE:** Responses to the RFP must be submitted in accordance with the terms of the RFP on or before 5:00 p.m. on November 29, 2005.

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

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

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**INVITATION TO BID**

Sealed bids are being received from qualified contractors, by the State of Florida, Department of Children and Family Services, for the following project:

**PROJECT NUMBER:** DCF-05225310

**PROJECT NAME:** Install Fire Sprinklers, Bldgs. 1015, 1241, 1265, Florida State Hospital (Chattahoochee).

**BID DATE AND TIME:** January 6, 2006 until 1:30 p.m. Eastern Standard Time.

**PLACE OF BID OPENING:** Operations & Facilities Conference Room, Florida State Hospital, Highway 90 East, Chattahoochee, FL 32324. Telephone: (850)663-7152.

**BID REQUIREMENTS:** Bids must be submitted in full accordance with the requirements of the drawings, specifications, bidding conditions and contractual conditions, which may be obtained from: Systech Group, Inc., 11260 Roger Bacon Drive, Suite 501, Reston, VA 20190-5203. Telephone: (703)759-9600. FAX: (703)759-3813. Direct e-mail inquiries to: [dandrukat@systech-group.com](mailto:dandrukat@systech-group.com).

**CONTRACTOR QUALIFICATIONS:** Bidders shall be state-certified in accordance with Chapter 633, Florida Statutes, as a Contractor I or a Contractor II. Bidders not able to furnish proof of required certification are subject to disqualification.

**ADDITIONAL INFORMATION:** A mandatory pre-bid walk-through will be held on December 8, 2005 at 10:00 a.m. EST at the Operations & Facilities Conference Room, Florida State Hospital, Highway 90 East, Chattahoochee, FL 32324. Site Contact is Richard Frey, Telephone: (850)663-7152.

**CORPORATE REGISTRATION:** No bid shall be accepted from any corporation which is not able to demonstrate current corporate charter registration (for a domestic corporation) or authority to transact business within the State of Florida (for a foreign corporation).

**PERFORMANCE BOND AND LABOR AND MATERIAL BOND:** On any construction contract for which the award amount is greater than \$100,000, a Performance Bond and a Labor And Material Payment Bond is required.

**CONTRACT AWARD:** The Bid Tabulation and Notice of Award Recommendation will be posted at 4:00 p.m. on the date and at the location where the bids are opened. Upon acceptance of the award recommendation by the Department, a contract will be awarded by the Office of General Services. In the event that the Bid Tabulation and Notice of Award cannot be posted in the above manner, then all bidders will be notified by certified U.S. mail, return receipt requested. The Department of Children and Family Services reserves the right to reject any and all bids in the best interest of the State of Florida.

**MINORITY PARTICIPATION:** In accordance with Florida Statutes, the Department of Children & Families is encouraged to target certified minority business enterprises (MBEs) for 21 percent of total awarded construction contract dollar value (4% for African-American, 6% for Hispanic-American, and 11% for women-owned). The Department of Children & Families encourages minority businesses to participate in the bidding process, including any bidders conferences or pre-bid meetings which are scheduled. The Department of Children & Families further encourages contractors to utilize certified MBEs as subcontractors or subvendors whenever possible. An online directory of certified MBEs, available on the website of the Office of Supplier Diversity (<http://osd.dms.state.fl.us/dirhome.htm>), may be searched by county for construction-related products and services.

NOTICE TO PROFESSIONAL CONSULTANTS  
 PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES  
 FOR ARCHITECTURE-ENGINEERING CONTINUING  
 CONTRACTS

The State of Florida, Department of Children and Family Services (DCF), Office of General Services, announces that professional services are required for the contract listed below. Applications are to be sent to: Margaret Nicolosi, Senior Architect, Design and Construction, Department of Children and Families, Building 3, Room 205, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, Phone (850)413-6776.

PROJECT NUMBER: DCF 06245000

PROJECT: Architectural/Engineering Continuing Contract, Northwest Florida Area

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department of Children and Families and the Agency for Persons with Disabilities with individual project construction budgets not to exceed \$1,000,000. Depending on development of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite units, support structures, etc.), repair and renovations to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, and minor studies (Study fee not to exceed \$25,000). The Northwest area shall include the area from Escambia to Madison and Taylor Counties, inclusive of each. For selection purposes, Chattahoochee will be the point used to calculate distance from Firm to site for each contract. Continuing Area Contract selection is for a contract period of one year, renewable yearly for up to two years.

RESPONSE DUE DATE: By close-of-business, November 29, 2005.

INSTRUCTIONS: Submit three (3) copies of the following bound in loose leaf three-ring binders:

1. Letter of Interest specifying the project and location for which the firm wishes to be considered.
2. A current Professional Qualifications Supplement (PQS) from the Department of Management Services, modifying section 5a. to reflect current contracts with any and all state agencies.
3. A copy of the firm's Florida Professional Registration License Renewal. (Proper registration at the time of application is required.)
4. Corporations only: Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.

5. Completed Standard Form 254.

6. Completed Standard Form 255.

For applicant to receive credit as State Certified Minority Business Enterprise, either the Prime Consultant or Sub-consultant shall include copy of the state of Florida Minority Certification Letter in the proposal. All proposal information submitted becomes the property of DCF, will be placed on file, and shall not be returned. Applications not complying with the instructions set forth above and/or do not include the qualifications data required shall not be considered. Selections will be made in accordance with Section 287.055, Florida Statutes.

SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

SELECTION RESULTS: All applicants will be notified by the department of the three firms shortlisted by December 8, 2005 by close-of-business. Those shortlisted firms will be advised of the interview date and any further requirements. Any protests of the selection must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

NOTICE TO PROFESSIONAL CONSULTANTS  
 PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES  
 FOR ARCHITECTURE-ENGINEERING CONTINUING  
 CONTRACTS

The State of Florida, Department of Children and Family Services (DCF), Office of General Services, announces that professional services are required for the contract listed below. Applications are to be sent to: Margaret Nicolosi, Senior Architect, Design and Construction, Department of Children and Families, Building 3, Room 205, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, Phone (850)413-6776.

PROJECT NUMBER: DCF 06244000

PROJECT: Architectural/Engineering Continuing Contract, Northwest Florida Area for Agency for Persons with Disabilities

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department of Children and Families for the Agency for Persons with Disabilities with individual project construction budgets not to exceed \$1,000,000. Depending on development of projects and funding, the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities (satellite units, support structures, etc.), repair and renovations to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces,

replacement of finishes, and minor studies. Study fees shall not exceed \$25,000. The Northwest area shall include the area from Jackson to Gulf Counties, inclusive of each. For selection purposes, Marianna will be the point used to calculate distance from Firm to site for each contract. Continuing Area Contract selection is for a contract period of one year, renewable yearly for up to two years.

RESPONSE DUE DATE: By close-of-business, November 29, 2005.

INSTRUCTIONS: Submit three (3) copies of the following bound in loose leaf three-ring binders:

1. Letter of Interest specifying the project and location for which the firm wishes to be considered.
2. A current Professional Qualifications Supplement (PQS) from the Department of Management Services, modifying section 5a. to reflect current contracts with any and all state agencies.
3. A copy of the firm's Florida Professional Registration License Renewal. Proper registration at the time of application is required.
4. Corporations only: Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.

For applicant to receive credit as State Certified Minority Business Enterprise, either the Prime Consultant or Sub-consultant shall include copy of the state of Florida Minority Certification Letter in the proposal. All proposal information submitted becomes the property of DCF, will be placed on file, and shall not be returned. Applications not complying with the instructions set forth above and/or do not include the qualifications data required shall not be considered. Selections will be made in accordance with Section 287.055, Florida Statutes.

SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

SELECTION RESULTS: All applicants will be notified by the department of the three firms shortlisted by December 9, 2005 by close-of-business. Those shortlisted firms will be advised of the interview date and any further requirements. Any protests of the selection must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

**NOTICE TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT FOR PROFESSIONAL SERVICES  
FOR ARCHITECTURE-ENGINEERING CONTRACT**

The State of Florida, Department of Children and Family Services (DCF), Office of General Services, announces that professional services are required for the project listed below.

Applications are to be sent to: Margaret Nicolosi, Senior Architect, Design and Construction, Department of Children and Families, Building 3, Room 205, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, Phone (850)413-6776.

PROJECT NUMBER: DCF 04240910

PROJECT: Reroofing of the Belle Glade Service Center

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: \$130,000.00

RESPONSE DUE DATE: By close-of-business, November 29, 2005.

INSTRUCTIONS: Submit three (3) copies of the following bound in loose leaf three-ring binders:

1. Letter of Interest specifying the project for which the firm wishes to be considered.
2. A current Professional Qualifications Supplement (PQS) from the Department of Management Services, modifying section 5a. to reflect current contracts with any and all state agencies.
3. A copy of the firm's Florida Professional Registration License renewal. (Proper registration at the time of application is required.)
4. Corporations only: Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.

For applicant to receive credit as State Certified Minority Business Enterprise, either the Prime Consultant or Sub-consultant shall include copy of the state of Florida Minority Certification Letter in the proposal. All proposal information submitted becomes the property of DCF, will be placed on file, and shall not be returned. Applications not complying with the instructions set forth above and/or do not include the qualifications data required shall not be considered. Selections will be made in accordance with Section 287.055, Florida Statutes.

SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

SELECTION RESULTS: All applicants will be notified by the department of the three firms shortlisted by December 8, 2005 by close-of-business. Those shortlisted firms will be advised of the interview date and any further requirements. Any protests of the selection must be made within 72 hours of posting of the results. "Failure to file a protest within the time prescribed in Section 120.53(5), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes."

**BROWARD COUNTY PROPERTY APPRAISER'S OFFICE**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The Broward County Property Appraiser's Office (BCPAO) anticipates seeking professional consultant services on the projects listed in this advertisement. Consideration will be given to only those firms that are qualified pursuant to law to perform the indicated MAJOR Type(s) of Work. This project will be developed in conjunction with the Geographic Information Systems (GIS) for the Property Appraiser's Office. Letters of interest from qualified firms are to be sent to the Broward County Property Appraiser's Office, Broward County Governmental Center, Room 111, Fort Lauderdale, Florida 33301, Attn: Ken Gibbs.

PROJECT NUMBER: 10-11-2005-BCPA

PROJECT NAME: 2006 Digital Aerial Orthophotography

PROJECT LOCATION: Broward County, Florida

SERVICES TO BE PROVIDED: Digital Color Aerial Photography

Specifications: Aircraft flying height shall be no greater than 6,000 ft. for the development of a .5 ft. pixel and no greater than 12,000 ft. for the development of a 1 ft. pixel.

Digital imagery shall be taken with at least 60% forward overlap between exposures in the line of flight and 30% sidelap between flight lines to allow for photogrammetric processing and ensure there are no gaps in the coverage. Digital imagery shall be orthorectified to a digital elevation or digital terrain model (DEM/DTM) which will be provided by the Broward County Property Appraiser's Office. Any additional control needed for this project will be provided by the BCPAO.

The digital orthophotography shall be horizontally accurate to within 3 ft. if produced at 1"=100" with a .5 ft. pixel and accurate to within 7.5 ft. if produced at 1"=300" with a 1 ft. pixel.

Aerial photography to be flown as close to January 1, 2006 as possible (depending on weather conditions).

Final deliverable products to be delivered to the BCPAO within 90 days from the date of the flight.

CLIENT AGENCY: BROWARD COUNTY

PROPERTY APPRAISER'S OFFICE

CLIENT CONTACT: Ken Gibbs, (954)357-5503

RESPONSE DUE DATE: November 23, 2005, 4:00 p.m. EST

The results of this selection will be posted at the Broward County Property Appraiser's Office, Broward County Governmental Center, Room 111, Fort Lauderdale, Florida during regular business hours.

**INSTRUCTIONS**

Interested firms shall submit 3 copies of the following:

1. Letter of interest which indicates the firm's qualifications, related experience, ability and availability of personnel and equipment to perform the work and other information relevant to this project as deemed necessary.

2. Current signed and dated SF forms 254 and 255.

3. Copy of the firm's current Florida Professional Registration license.

4. For Corporations only. If the firm offering services is a corporation, it must be properly chartered with the Florida Department of State and provide a copy of the current Florida Corporate Charter.

Please include one stamped, self-addressed envelope for notice of selection results. Firms submitting must be properly registered at the time of application to practice their profession in the State of Florida. Firms may submit representative samples of similar or related work efforts, with reference information. Responses which do not contain the required information identified herein, or non-relevant work experience may not be considered. All submitted materials will not be returned and will become part of the project file for this project. The selection of a consultant for this project will be made in accordance with Chapter 60D-2, Florida Administrative Code.

**NOTICE TO PROFESSIONAL CONSULTANTS**

The Broward County Property Appraiser's Office (BCPAO) anticipates seeking professional consultant services on the projects listed in this advertisement. Consideration will be given to only those firms that are qualified pursuant to law to perform the indicated MAJOR Type(s) of Work. This project will be developed in conjunction with the Geographic Information Systems (GIS) for the Property Appraiser's Office. Letters of interest from qualified firms are to be sent to the Broward County Property Appraiser's Office, Broward County Governmental Center, Room 111, Fort Lauderdale, Florida 33301, Attn: Ken Gibbs.

PROJECT NUMBER: 10-12-2005-BCPA

PROJECT NAME: 2006 Digital Oblique Imagery

PROJECT LOCATION: Broward County, Florida

SERVICES TO BE PROVIDED: Digital Oblique Imagery

Specifications: Aircraft flying height shall be no greater than 1,000 ft. AGL for the development of a .5 ft. pixel resolution image.

Digital Oblique Imagery shall be planned with 700' between flight lines, and an oblique image taken every 2 seconds.

The Digital Oblique Imagery shall be horizontally accurate to within 3 meters, 95% of the time.

Digital Oblique Imagery shall be captured at a 45 degree angle. Provide technical support for integrating oblique imagery into existing GIS databases.

Digital Oblique Imagery to be flown as close to January 1, 2006 as possible (depending on weather conditions).

Final deliverable products to be delivered to the BCPAO within 90 days from the date of the flight.

CLIENT AGENCY: BROWARD COUNTY PROPERTY APPRAISER'S OFFICE

CLIENT CONTACT: Ken Gibbs, (954)357-5503  
RESPONSE DUE DATE: November 29, 2005, 4:00 p.m. EST  
The results of this selection will be posted at the Broward County Property Appraiser's Office, Broward County Governmental Center, Room 111, Fort Lauderdale, Florida during regular business hours.

**INSTRUCTIONS**

Interested firms shall submit 3 copies of the following:

1. Letter of interest which indicates the firm's qualifications, related experience, ability and availability of personnel and equipment to perform the work and other information relevant to this project as deemed necessary.
2. Current signed and dated SF forms 254 and 255.
3. Copy of the firm's current Florida Professional Registration license.
4. For Corporations only. If the firm offering services is a corporation, it must be properly chartered with the Florida Department of State and provide a copy of the current Florida Corporate Charter.
5. Cost estimate for approximately 440 sq. miles and approximately 500,000 parcels. Cost shall be broken down by pixel size (6" or 12"), four or two sided obliques, licensing opportunities and/or options, and additional technical support if necessary.

Please include one stamped, self-addressed envelope for notice of selection results. Firms submitting must be properly registered at the time of application to practice their profession in the State of Florida. Firms may submit representative samples of similar or related work efforts, with reference information. Responses which do not contain the required information identified herein, or non-relevant work experience may not be considered. All submitted materials will not be returned and will become part of the project file for this project. The selection of a consultant for this project will be made in accordance with Chapter 60D-2, Florida Administrative Code.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

FILE NO.: BLID-606-003  
DATE RECEIVED: October 26, 2005  
DEVELOPMENT NAME: Stoneybrook Hills

DEVELOPER/AGENT: Lennar-US Homes/Julie P. Kendig-Scrader  
DEVELOPMENT TYPE: Rules 28-24.023, 28-24.031, 28-24.024, F.A.C.  
LOCAL GOVERNMENT: Orange County

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Vento Motorcycles, Inc. ("Vento"), intends to allow the establishment of Venice Motor Cars, Inc., as a dealership for the sale of Vento motorcycles, at 1018 U.S. Hwy. 41 Bypass South, Venice (Sarasota County), Florida 34285, on or after October 24, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Venice Motor Cars, Inc., are dealer operator: Tim Jacob, Venice Motor Cars, Inc., 1018 U.S. Hwy. 41 Bypass South, Venice, Florida 34285; principal investor(s): Tim Jacob, Venice Motor Cars, Inc., 1018 U.S. Hwy. 41 Bypass South, Venice, Florida 34285.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Alma Gonzalez, Vento North America, 6190 Cornerstone Court E, Suite #200, San Diego, California 92121.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Scooters Management LLC, intends to allow the establishment of ALI-J Inc., d/b/a Sarasota Scooter Company, as a dealership for the sale of Global Motor Imports (GMI) motorcycles, at 1529 State Street, Sarasota (Sarasota County), Florida 34230, on or after November 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of ALI-J Inc., d/b/a Sarasota Scooter Company are dealer operator: Jeff Free, 4430 Orchid Boulevard, Cape Coral, Florida 33904; principal investor(s): Jeff Free and Alison Free, 4430 Orchid Boulevard, Cape Coral, Florida 33904.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael Klaiman, President, Global Motor Imports/Scooters Management LLC, 6910 Renwick Drive, Suite C, Houston, Texas 77081.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Scooters Management LLC, intends to allow the establishment of ALI-J Inc., d/b/a Cape Scooter and Mower Center, as a dealership for the sale of Global Motor Imports (GMI) motorcycles, at 820 Cape Coral Parkway East, Cape Coral (Lee County), Florida 33904, on or after November 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of ALI-J Inc., d/b/a Cape Scooter and Mower Center, are dealer operator: Jeff Free, 4430 Orchid

Boulevard, Cape Coral, Florida 33904; principal investor(s): Jeff Free and Alison Free, 4430 Orchid Boulevard, Cape Coral, Florida 33904.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael Klaiman, President, Global Motor Imports/Scooters Management LLC, 6910 Renwick Drive, Suite C, Houston, Texas 77081.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mitsubishi Fuso Truck of America, Inc., intends to allow the establishment of Truckmax, Inc., as a dealership for the sale of Mitsubishi Fuso vehicles at 1850 South US 1, Fort Pierce (St. Lucie County), Florida 34950, on or after November 20, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Truckmax, Inc., are dealer operator(s): Robert J. Dollar, 112 Tequesta Street, Tavernier, Florida 33070; principal investor(s): Robert J. Dollar, 112 Tequesta Street, Tavernier, Florida 33070.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be



submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Debbie DiFranco, Administrator, Dealer Operations, Mitsubishi Fuso Truck of America, Inc., 2015 Center Square Road, Logan Township, New Jersey 08085.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Cobra Scooters, LLC, intends to allow the establishment of FLACycle, Inc., as a dealership for the sale of Taiwan Golden Bee (TGB) motorcycles, at 6022 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after October 27, 2005.

The name and address of the dealer operator(s) and principal investor(s) of FLACycle, Inc., are dealer operator: Bruce Friedlander, 6022 South Tamiami Trail, Sarasota, Florida 34231; principal investor(s): Bruce Friedlander, 6022 South Tamiami Trail, Sarasota, Florida 34231.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Robert P. Bates, Vice President of Operations, Cobra Scooters, LLC, 11220 Hwy. 6 South, Suite A2, Sugar Land, Texas 77478.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Harley-Davidson Motor Company intends to allow the establishment of Lutz Harley-Davidson Shop, as a dealership for the sale of Harley-Davidson motorcycles, at 25245 Wesley Chapel Boulevard, Lutz (Hillsborough County), Florida 33549, on or after November 30, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Lutz Harley-Davidson Shop are dealer operator: Preston L. Fariior, 5817 State Road 54, New Port Richey, Florida 34652; principal investor(s): James L. Ferman, Jr., Stephen B. Straske, II, and J. Fariior, III, 5817 State Road 54, New Port Richey, Florida 34652.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kyle Jones, Regional Dealer Development Representative, Harley-Davidson Motor Company, 3700 West Juneau Avenue, P. O. Box 653, Milwaukee, Wisconsin 53201.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, X Power Motorsports, Inc., intends to allow the establishment of Mojo Power Sports, as a dealership for the sale of Chunfeng Holding

Group Co., LTD & Jiangsu Linhai Power Machinery Group Corp. scooters, at 707 West Bay Drive, Largo (Pinellas County), Florida 33770, on or after June 1, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Mojo Power Sports, Inc., are dealer operator(s): Peter M. Spano, 100 Squire Court, Dunedin, Florida 34698; principal investor(s): Peter M. Spano, 100 Squire Court, Dunedin, Florida 34698.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bill R. Morrow, President, X Power Motorsports, Inc., 2727 U.S. Hwy. 411S, Maryville, Tennessee 37801.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, X Power Motorsports, Inc., intends to allow the establishment of MoJo PowerSports, Inc. d/b/a GekGo Scooters, for a service-only facility of CF Moto and Linhai Powermax scooters, at 101 First Avenue Southwest, Largo (Pinellas County), Florida 33770, on or after October 19, 2005.

The name and address of the dealer operator(s) and principal investor(s) of MoJo PowerSports, Inc. d/b/a GekGo Scooters are dealer operator(s): Peter M. Spoto, 100 Squire Court, Dunedin, Florida 34698; principal investor(s): Peter M. Spoto, 100 Squire Court, Dunedin, Florida 34698.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Bill R. Morrow, Owner/President, X Power Motorsports, Inc., 2727 U.S. Hwy. 411S, Maryville, Tennessee 37801.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Hyundai Motor America, intends to allow the establishment of F & R Enterprises, Inc., d/b/a Deland Hyundai, as a dealership for the sale of Accent, Sonata, Tiburon, Elantra, XG350, Santa Fe and Tucson, at Parcel 28-17-30-00-0220: Begin at point 27 17 30 S 1/2 of NE, 1/4 of SW, 1/4 W of New ST RD PER Or Plat Book 4034, Page 4740, Deland (Volusia County), Florida, on or after December 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of F & R Enterprises, Inc., d/b/a Deland Hyundai are dealer operator(s): Andrew Ferguson, President, 307 Bratley Ridge Drive, Warner Robins, Georgia 31088; principal investor(s): Andrew Ferguson, President, 307 Bratley Ridge Drive, Warner Robins, Georgia 31088, and Alan M. Reeves, Vice President, 20 Spring Branch Court, Newnan, Georgia 30265.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tim Wallwork, Market Representation Manager, Hyundai Motor America, 270 Riverside Parkway, Suite A, Austell, Georgia 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that General Motors Corporation, intends to allow the relocation of PK Motors, Inc., as a dealership for the sale and service of Cadillac vehicles, from its present location at 283 San Marco Avenue, St. Augustine, Florida 32084, to a proposed location at 400 Belz Outlet Boulevard, St. Augustine (St. Johns County), Florida 32084, on or after August 31, 2007.

The name and address of the dealer operator(s) and principal investor(s) of PK Motors, Inc., are: dealer operator(s): Bryan C. Parker, 283 San Marco Avenue, St. Augustine, Florida 32084; principal investor(s): Bryan C. Parker, 283 San Marco Avenue, St. Augustine, Florida 32084 and James H. Kimbrough, Jr., 283 San Marco Avenue, St. Augustine, Florida 32084.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Daniel Weishaar, General Motors Corporation, Mail Code 482-A07-C66, 100 GM Renaissance Center, Detroit, Michigan 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Hyundai Motor America, intends to allow the establishment of DRJ Property Holdings, LLC, d/b/a Jenkins Hyundai of Leesburg, as a dealership for the sale of Accent, Sonata, Tiburon, Elantra, XG350, Santa Fe and Tucson, at 2325 East Main Street, Leesburg (Lake County), Florida 34748, on or after December 31, 2005.

The name and address of the dealer operator(s) and principal investor(s) of DRJ Property Holdings, LLC, d/b/a Jenkins Hyundai of Leesburg, are dealer operator(s): Donald R. Jenkins, 2325 East Main Street, Leesburg, Florida 34748; principal investor(s): Donald R. Jenkins, 2025 Southwest College Road, Ocala, Florida 34474.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tim Wallwork, Market Representation Manager, Hyundai Motor America, 270 Riverside Parkway, Suite A, Austell, Georgia 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**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**

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Dade District: 11  
ID # 0100048 Decision: A Issue Date: 10/28/2005  
Facility/Project: Hebrew Home of North Dade, Inc. f/k/a  
The Hebrew Home for the Aged of Miami Beach, Inc.  
Applicant: Hebrew Home of North Dade, Inc. f/k/a  
The Hebrew Home for the Aged of Miami Beach, Inc.  
Project Description: Divide CON #9212 into two components to be transferred to two skilled nursing facilities Proposed Project Cost: \$0

**CERTIFICATE OF NEED**

**DECISIONS ON EXPEDITED APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

County: Miami-Dade Service District: 11  
CON#: 9866 Decision Date: 10/28/2005 Decision: A  
Facility/Project: Hebrew Home for the Aged North Dade  
Applicant: Hebrew Home of North Dade, Inc.  
Project Description: Transfer divided CON # 9212 to add 11 skilled nursing beds  
County: Miami-Dade Service District: 11  
CON#: 9867 Decision Date: 10/28/2005 Decision: A  
Facility/Project: Plaza Nursing and Rehabilitation Center  
Applicant: Plaza North, Inc.  
Project Description: Transfer divided CON # 9212 to add 25 skilled nursing beds  
County: Broward Service District: 10  
CON#: 9868 Decision Date: 10/26/2005 Decision: A  
Facility/Project: St. John's Nursing Center

Applicant: St. John's Rehabilitation Hospital and Nursing Center, Inc.

Project Description: Add 21 skilled nursing beds through the transfer and delicensure of 21 beds from Hallandale Rehabilitation Center

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FINANCIAL SERVICE COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 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., December 1, 2005):

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**  
Applicant and Proposed Location: Community Southern Bank, 3340 South Florida Avenue, Lakeland, Polk County, Florida 33801 .

Correspondent: A. George Iglar and Richard Pearlman, 2457 Care Drive, Tallahassee, Florida 32308

Received: November 2, 2005

**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN October 24, 2005  
 and October 28, 2005**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF REVENUE**  
**Sales and Use Tax**

12A-19.070	10/25/05	11/14/05	31/29	31/39
12A-19.071	10/25/05	11/14/05	31/29	31/37
12A-19.072	10/25/05	11/14/05	31/29	31/37
12A-19.073	10/25/05	11/14/05	31/29	31/39
12A-19.100	10/25/05	11/14/05	31/29	31/39

**STATE BOARD OF ADMINISTRATION**

19-8.010	10/24/05	11/13/05	31/38
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**COMMISSION ON ETHICS**

34-7.010	10/28/05	1/1/06	31/37
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**DEPARTMENT OF THE LOTTERY**

53-28.001	10/24/05	11/13/05	31/33
53-28.002	10/24/05	11/13/05	31/33
53-28.003	10/24/05	11/13/05	31/33
53-28.0035	10/24/05	11/13/05	31/33
53-28.004	10/24/05	11/13/05	31/33
53-28.005	10/24/05	11/13/05	31/33
53-28.006	10/24/05	11/13/05	31/33
53-28.007	10/24/05	11/13/05	31/33
53-29.001	10/24/05	11/13/05	31/33
53-29.002	10/24/05	11/13/05	31/33
53-29.003	10/24/05	11/13/05	31/33
53-29.0035	10/24/05	11/13/05	31/33
53-29.004	10/24/05	11/13/05	31/33
53-29.005	10/24/05	11/13/05	31/33
53-30.001	10/24/05	11/13/05	31/33
53-30.002	10/24/05	11/13/05	31/33

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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53-30.003	10/24/05	11/13/05	31/33
53-30.004	10/24/05	11/13/05	31/33
53-31.001	10/24/05	11/13/05	31/33
53-31.002	10/24/05	11/13/05	31/33
53-31.003	10/24/05	11/13/05	31/33
53-31.004	10/24/05	11/13/05	31/33
53-32.001	10/24/05	11/13/05	31/33
53-32.002	10/24/05	11/13/05	31/33
53-32.003	10/24/05	11/13/05	31/33
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53-32.005	10/24/05	11/13/05	31/33
53-32.006	10/24/05	11/13/05	31/33

**DEPARTMENT OF HEALTH**  
**Board of Medicine**

64B8-31.010	10/24/05	11/13/05	31/35
64B8-31.011	10/24/05	11/13/05	31/35

**Board of Optometry**

64B13-3.003	10/27/05	11/16/05	31/38
64B13-3.004	10/27/05	11/16/05	31/38
64B13-3.010	10/27/05	11/16/05	31/38
64B13-3.015	10/27/05	11/16/05	31/38
64B13-4.004	10/27/05	11/16/05	31/38
64B13-6.001	10/27/05	11/16/05	31/38
64B13-15.009	10/27/05	11/16/05	31/38
64B13-16.003	10/27/05	11/16/05	31/38

**Board of Osteopathic Medicine**

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64B15-7.011	10/24/05	11/13/05	31/35

**Vital Statistics**

64V-1.0061	10/28/05	11/17/05	31/36
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