

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

**DEPARTMENT OF LEGAL AFFAIRS**

**Florida Elections Commission**

RULE NO.:                   RULE TITLE:  
 2B-1.002                   Definitions

PURPOSE AND EFFECT: The Commission proposes the development of rule amendments to define terms which will be utilized for determining whether the imposition of a civil penalty is appropriate for a violation of Chapter 104, F.S.

SUBJECT AREA TO BE ADDRESSED: Definition of terms utilized for the determination of civil penalties.

SPECIFIC AUTHORITY: 106.26 FS.

LAW IMPLEMENTED: 106.25(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Barbara Linthicum, Executive Director, Florida Elections Commission, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2B-1.002 Definitions.

For purposes of imposing a civil penalty for violating Chapter 104, F.S., the following definitions shall apply:

(1) A person acts “willful” or “willfully” when he or she showed reckless disregard for whether his or her conduct was prohibited or required by Chapter 104, F.S.

(2) “Knew” means that the person was aware of a provision of Chapter 104, F.S., understood the meaning of the provision, and then performed an act prohibited by the provision or failed to perform an act required by the provision.

(3) “Reckless disregard” means that the person disregarded the requirements of Chapter 104, F.S., or was plainly indifferent to its requirements, by failing to make any reasonable effort to determine whether his or her acts were prohibited by Chapter 104, F.S., or whether he or she failed to perform an act required by Chapter 104, F.S.

Specific Authority 106.26 FS. Law Implemented 106.25(3) FS. History—New \_\_\_\_\_.

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                   RULE TITLE:  
 33-208.101               Employee Grooming, Uniform and Clothing Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the dress code for health care employees and to update Form DC2-816, Individual Clothing Record, to include additional clothing articles.

SUBJECT AREA TO BE ADDRESSED: Employee uniform and clothing requirements.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) though (5) No change.

(6) The following provisions shall apply to health services employees.

(a) All health services staff providing direct care to inmates at an institution shall wear the department issued ID card in a visible manner that will identify the individual at all times while on duty and a nameplate engraved with the employee’s last name, first name initial, and initials of licensure or certification. ~~The nameplate will be issued by the department.~~

(b) Physicians, clinical associates, dentists, dental assistants, dental hygienists, nurse supervisors, nurse consultants, executive nursing directors and pharmacists will have no prescribed uniform. ~~White smocks, clinical coats and surgical gowns as required in the performance of duty will be furnished by the department.~~

(c) ~~Nurses, correctional medical technicians certified, health support workers, unit treatment rehabilitation specialists, ward clerks, radiology technicians and medical technologists shall be required to wear the dark colored scrub suits provided by the department or the standard white nurse uniform. The nurse scrubs or uniform must be provided by the employee. No denim scrubs or uniforms will be permitted.~~

~~(d) Correctional medical technicians certified, correctional medical technicians, health support workers and medical technologists shall wear the dark colored scrub suit provided by the department.~~

~~(d)(e)~~ Employees in the position of ~~senior~~ registered professional nurse, LPN, correctional medical technician, correctional medical technician certified, medical technologist, radiology technician, UTR and “ward clerk” must wear shoes such as closed ~~toe~~ white leather or leather-like tennis shoes.

~~(e)(f)~~ The following shall apply to health services staff whose duties require providing direct care to inmates in an institution, including physicians, pharmacists, dentists, clinical associates, registered nurses, LPNs, ~~correctional medical technicians~~, correctional medical technicians certified, medical technologists, health support workers, UTR’s and “ward clerks”.

1. Excessive jewelry shall not be worn with the uniform. ~~No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform.~~ Jewelry that could be used to disable an employee, ~~such as hair pins,~~ will not be worn. No bulky or ornate jewelry will be worn. Bracelets or earrings are prohibited for male staff. Female staff shall be allowed to wear earrings; however, only one pair of post or clip-on earrings will be worn at a time and will be worn on earlobes only. Earrings for female staff will constitute the only body piercing ornaments allowed. For safety purposes, earrings shall not be hooped or dangling. ~~Only post or clip on will be worn on earlobes only.~~

2. Fingernails will be neatly trimmed and clean. Fingernails shall not extend more than 1/4 inch past the end of the finger. Artificial fingernails or extenders will not be worn when having direct contact with high risk inmates, i.e., in a licensed hospital facility, intensive care units, operating rooms, or dialysis units. ~~Polish, if worn, shall be clear or solid in color.~~ Hair shall be maintained in a manner consistent with infection control practices and safety considerations.

(7) No change.

(8) Forms. The following forms used in implementing the provisions of this rule are hereby incorporated by reference:

(a) Individual Clothing Record, DC2-816, effective 12-18-00.

(b) Authorization for Uniform Replacement, DC2-817, effective 12-18-00.

A copy of these forms may be obtained from the Forms Control Administrator, Office of Research, Planning and Support Services, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03, 10-27-03, 12-28-03, 12-12-04, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-4.091  
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

PURPOSE AND EFFECT: To include language which clarifies that the Uniform Mitigation Assessment Method (UMAM) found in Rule 62-345, F.A.C., is applicable to all applications received on or after February 2, 2004.

SUBJECT AREA TO BE ADDRESSED: Section 4.3.2 Mitigation Ratio Guidelines, of the Basis of Review for Environmental Resource Permit Applications Within The South Florida Water Management District.

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

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

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

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact: South Florida Water Management District Clerk’s Office, (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anita Bain, Division Director, Natural Resource Management Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6866 or (561)682-6866 (internet: [abain@sfwmd.gov](mailto:abain@sfwmd.gov), or for procedural issues, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – \_\_\_\_\_ ~~2-12-06~~".

(b) through (k) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-23-06, \_\_\_\_\_.

(The following represents proposed changes to the document entitled "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – 2-12-06" incorporated by reference in Rule 40E-4.091, F.A.C.)

4.3.2 Mitigation Ratio Guidelines

a. For applications received on or after February 2, 2004, except as provided in Rule 62-345, F.A.C., Sections 4.3.2 – 4.3.2.4 are superseded by Rule 62-345, F.A.C.

b. Subsections 4.3.2 – 4.3.2.4 establish ratios for the acreage of mitigation required compared to the acreage which is adversely impacted by regulated activities. Ranges of ratios are provided below for certain specific types of mitigation, including creation, restoration, enhancement and preservation. Mitigation ratios for wetlands which have a 50% or greater coverage of melaleuca (*Melaleuca quinquenervia*), will be determined pursuant to subsection 4.3.2.4. and other provisions of this section. The difference between the ranges of ratios provided for mitigation types is based on the degree of improvement in ecological value expected from each type. Creation and restoration are assigned the lowest range of ratios as these activities, when successfully conducted, add new wetlands or other surface waters which provide the same or similar functions as the area being adversely impacted. The range of ratios established for enhancement is higher than that for creation and restoration, as the area being enhanced currently provides a degree of the desired functions, and this type of mitigation serves to increase, rather than create, those functions. Preservation differs from the other types of mitigation in that it does not serve to improve the existing ecological value of an area in the short term. However, preservation does provide benefits as it can

ensure that the values of the preserved area are protected and maintained in the long term, particularly when these values are not fully protected under existing regulatory programs. Therefore, the range of ratios established for preservation is higher than those for other types of mitigation. These ratios are provided as guidelines for preliminary planning purposes only. The actual ratio needed to offset adverse impacts may be higher or lower based on a consideration of the factors listed in subsections 4.3.2.1 through 4.3.2.4. For example, in instances where the proposed system results in only a small loss of ecological value in the impacted area, such as cases involving impacts to areas of low ecological value or cases where the proposed system results in a small reduction of ecological value of the impacted area, then the actual mitigation ratio would normally be in the lower end of or below the range. For other types of mitigation, ratios will be determined based upon the reduction in quality and relative value of the functions of the areas adversely impacted as compared to the expected improvement in quality and value of the functions of the mitigation area.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: RULE TITLE:

61G4-12.017 Reinstatement and Relicensure

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

SUBJECT AREA TO BE ADDRESSED: Reinstatement and Relicensure.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 489.111, 489.113, 489.115, 489.117, 489.129 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-15.0021  
RULE TITLE: Certification and Registration of Business Organizations

PURPOSE AND EFFECT: The Board proposes to review the existing Financially Responsible Bond amount.

SUBJECT AREA TO BE ADDRESSED: Certification and Registration of Business Organizations.

SPECIFIC AUTHORITY: 489.108 FS.

LAW IMPLEMENTED: 455.213, 489.105, 489.107, 489.115, 489.119, 489.1195, 489.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-2.001  
RULE TITLE: Grounds for Discipline

PURPOSE AND EFFECT: The Florida Board of Professional Surveyors and Mappers is updating Rule 61G17-2.001, F.A.C., by deleting a citation to a repealed Rule.

SUBJECT AREA TO BE ADDRESSED: Grounds for Discipline.

SPECIFIC AUTHORITY: 455.227, 472.008, 472.033(2) FS.

LAW IMPLEMENTED: 455.227, 472.008, 472.015, 472.025, 472.033(1)(f), (g), (h), (2), 472.027 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.: 61G17-2.0015  
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Florida Board of Professional Surveyors and Mappers is updating and revising its disciplinary guidelines for violations of subsections 472.033(1)(i), 472.033(1)(h), and 455.227(1)(k), F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 472.008, 472.033 FS.

LAW IMPLEMENTED: 472.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.003  
RULE TITLE: Standards for Adequacy of Medical Records

PURPOSE AND EFFECT: The proposed rule amendment is intended to remove language with regard to medical records based upon a recent appellate court ruling.

SUBJECT AREA TO BE ADDRESSED: Removal of language with regard to medical records.

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

LAW IMPLEMENTED: 456.061, 458.331(1)(g), (h), (k), (m), (t), (v), (gg), (hh) 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.003 Standards for Adequacy of Medical Records.

(1) No change.

(2) A licensed physician shall maintain patient medical records in English, in a legible manner and with sufficient detail to clearly demonstrate why the course of treatment was undertaken or why an apparently indicated course of treatment was not undertaken.

(3) through (5) No change.

Specific Authority 458.309, 458.331(1)(t), (v) FS. Law Implemented 456.061, 458.331(1)(g), (h), (k), (m), (t), (v), (gg), (hh) FS. History—New 1-1-92, Formerly 21M-27.003, Amended 1-12-94, Formerly 61F6-27.003, Amended 9-3-95, Formerly 59R-9.003, Amended 8-20-02, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE NO.: RULE TITLE:

64B20-9.006 Recordkeeping and Retention

PURPOSE AND EFFECT: The Board proposes the development of a rule to address the appropriate standards for Recordkeeping and Retention.

SUBJECT AREA TO BE ADDRESSED: Recordkeeping and Retention.

SPECIFIC AUTHORITY: 468.1135(4), 468.1225(1), (2), (3), (4), (5), (6), (7), 468.1245(1), (2), (3), 468.1246(1) FS.

LAW IMPLEMENTED: 468.1135, 468.1225, 468.1245, 468.1246 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: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B20-9.006 Recordkeeping and Retention.

(1) Speech-Language Pathologists. Each licensee who provides speech-language pathology services, as set forth in Section 468.1125(7), F.S., to individuals or groups, shall create and maintain, for a period of 4 years, records and documentation of:

(a) Each individual to whom services were provided;

(b) If a group, the names of the individuals in the group to whom services were provided;

(c) A list of the specific services provided; and

(d) The date that the specific services were provided.

(2) Audiologists.

(a) Each licensee who provides audiology services, as set forth in Section 468.1125(6), F.S., other than the fitting or selling of a hearing aid, to individuals or groups, shall create and maintain, for a period of 4 years, records and documentation of:

1. Each individual to whom services were provided;

2. If a group, the names of the individuals in the group to whom services were provided;

3. A list of the specific services provided; and

4. The date that the specific services were provided.

(b) Each licensee who fits and sells a hearing aid shall create and maintain, for a period of 4 years, records and documentation of:

1. Any pure tone audiometric testing conducted by air or bone;

2. Any testing to determine speech reception thresholds, speech discrimination, and listening and loudness levels;

3. The medical clearance or waiver of medical clearance required by Section 468.1225(4), F.S.;

4. When applicable, the waiver required by Section 468.1225(6), F.S., for audiometric testing not conducted in a certified testing room;

5. The receipt for the sale of hearing aids required by Section 468.1245(2), F.S.; and

6. Notification to the buyer of written notice of the 30-day trial period and money-back guarantee required by Section 468.1246, F.S.

Specific Authority 468.1135(4), 468.1225(1), (2), (3), (4), (5), (6), (7), 468.1245(1), (2), (3), 468.1246(1) FS. Law Implemented 468.1135, 468.1225, 468.1245, 468.1246 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

64E-6

Standards for Onsite Sewage

Treatment and Disposal Systems

PURPOSE AND EFFECT: Develop rules to incorporate necessary technical changes and incorporate modifications proposed through the Technical Review and Advisory Panel.

SUBJECT AREAS TO BE ADDRESSED: Areas to be discussed include: Onsite sewage treatment and disposal system design, permitting, construction, and maintenance; Septic Tank Contractor registration and training standards.

SPECIFIC AUTHORITY: 381.0011(4), (13), 381.006, 381.0065(3)(a), (4)(k), 381.0069, 489.553(2), (3), 489.557(1) FS.

LAW IMPLEMENTED: 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655, 154.06, 381.0011, 381.0012, 381.0025, 381.006, 381.0061, 381.0065, 381.0066, 381.0067, 381.0069, 386.041, 489.552, 489.553, 489.557 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Agent and Agency Services**

RULE NOS.:	RULE TITLES:
69B-220.001	Pre-qualification and Licensure of Emergency Adjusters
69B-220.051	Conduct of Public Adjusters
69B-220.201	Ethical Requirements

PURPOSE AND EFFECT: The purpose of the proposed rule development is to eliminate the licensing of emergency public adjusters, to make the licensing process for emergency company and independent adjusters faster and more economical by utilization of the Department’s website and to change Office of Insurance Regulation to Department of Financial Services to reflect legislation that changed jurisdiction over adjusters. The purpose of a new rule that applies to public adjusters after the Governor issues an executive order that a state of emergency exists is to protect consumers who hire public adjusters after disasters. The purpose of other changes is to clarify the rules.

SUBJECT AREA TO BE ADDRESSED: Rule 69B-220.001, F.A.C., is amended to repeal rules that provide for the licensing of emergency public adjusters and to require that adjuster license applications be submitted electronically through the Department’s website instead of by submission of paper applications. All three rules are amended to change Office of

Insurance Regulation to Department of Financial Services to reflect legislation adopted in 2004 that made the same changes in the statutes that regulate adjusters. Rule 69B-220.201, F.A.C., is amended to provide new ethical requirements for public adjusters to follow after a disaster creates a state of emergency.

SPECIFIC AUTHORITY: 624.308(1), 626.878, 626.9611 FS.

LAW IMPLEMENTED: 624.307(1), 626.112(1), 626.611, 626.621, 626.865(2), 626.8732, 626.8734, 626.874, 626.878, 626.9541(1)(b), (i) FS.

IF REQUESTED 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: Hazel Muhammad, Chief, Bureau of Licensing, Department of Financial Services, 200 E. Gaines Street, Room 412, Larson Building, Tallahassee, FL 32399-0319, (850)413-5460

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Serica Johnson, (850)413-4241.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-220.001 Pre-Qualification and Licensure of Emergency Adjusters.

(1) Purpose. This rule sets forth ~~department office~~ policy and procedure for licensure of emergency company adjusters and emergency independent adjusters under Section 626.874, Florida Statutes.

(2) No change.

(3) Definitions. For purposes of this rule, the following definitions shall apply.

(a) “Department” means the Department of Financial Services ~~“Office” means the Office of Insurance Regulation.~~

(b) “Licensed adjuster” and similar terms, refer to and include only persons ~~actually~~ currently licensed in good standing by the department office as a ~~public adjuster,~~ company adjuster, or independent adjuster, whether the licensure be permanent resident licensure, permanent nonresident licensure or emergency licensure pursuant to this rule, and whether limited licensure or unlimited licensure. The terms do not include persons licensed as public adjusters by the department or persons licensed as any type of an adjuster or public adjuster by states other than the State of Florida.

(c) “Emergency” and “Catastrophe.” These two terms as used in Section 626.874, Florida Statutes, are synonymous, and no separate treatment is afforded catastrophe over emergency adjusters.

(d) "Emergency adjuster" when used in this rule without further specification, includes emergency company adjusters ~~and~~ emergency independent adjusters, ~~and~~ emergency public adjusters.

(e) "Public adjuster" when used in this rule without further specification, includes both permanent resident licensed public adjusters ~~and~~ emergency public adjusters.

(~~e~~f) "Unlicensed persons" as used in this rule means and refers to persons who are not ~~actually~~ currently licensed in good standing by the department office as an adjuster, ~~whether the licensure be permanent resident licensure, or emergency licensure pursuant to this rule.~~

(4) General Provisions Applicable to All Emergency Adjusters.

(a) Declaration of Emergency; Determination that Emergency Exists.

1. The department office does not issue proclamations or other formal declarations of emergency. Instead, any person believing that an emergency exists and desiring licensure under Section 626.874, Florida Statutes, shall apply or cause application to be made to the department office for such licensure.

2. For purposes of Section 626.874, Florida Statutes, an emergency exists when, due to a specific, infrequent, and sudden natural or manmade disaster or phenomenon, there have arisen losses to property in Florida that are covered by insurance, and the losses are so numerous and severe that resolution of claims related to such covered property losses will not occur expeditiously without the licensing of emergency adjusters due to the magnitude of the catastrophic damage.

3. A failure of claims to be resolved expeditiously shall exist upon an insurer's filing with the department Office a written statement that one of the following conditions exists:

a. The insurer expects to incur at least 500 claims as a result of the event; or

b. The magnitude of the event is expected to generate twice the mean number of claims for one month for the affected area.

~~(b)4.~~ Requests for emergency adjuster licensure as an independent adjuster must be accompanied by a statement from an insurer, an independent adjusting firm, a licensed independent resident adjuster, or a licensed general lines agent certifying that the applicant is qualified to act as an adjuster the same statement from an insurer who requires such services.

~~5. If the Office determines that an emergency exists, public adjusters seeking emergency licensure shall upon request be granted licensure pursuant to the provisions of this rule.~~

(b) Licenses Valid for 180 Days.

1. Emergency adjuster licenses are valid for 180 days from the date of issuance of the emergency license, unless a shorter period of time is specified in the license as issued. ~~Because~~

~~emergency licensure is an extraordinary deviation from regular licensing procedures, it is office policy to specify, as the duration of emergency licensure, the shortest possible time in each particular emergency.~~

~~2. The office shall grant an extension of emergency licensure if the conditions set forth in subparagraph (4)(a)2. of this rule still exist. Each extension will last for a period of up to an additional 180 days.~~

a. ~~To apply for an extension of licensure as an emergency company or independent adjuster, the licensee shall execute Form OIR-396E, "Application for Extension of License and Appointment as an Emergency Adjuster," rev. 10/95, which is hereby adopted and incorporated by reference, and shall submit to the office the applicable fee, as specified in Form OIR-396E, for each extension.~~

b. ~~To apply for an extension of licensure as an emergency public adjuster the licensee shall execute Form OIR-AAS-1E, "Application for Extension of License and Appointment as an Emergency Public Adjuster," rev. 10/95, which is hereby adopted and incorporated by reference, and shall submit the fee specified in Form OIR-AAS-1E, for each extension.~~

~~e. These forms may be obtained at the Bureau of Licensing, 200 East Gaines Street, Tallahassee, Florida 32399-0319.~~

~~d. Only the licensure type and class which the licensee holds at the time of application for extension may be extended.~~

~~(e) "Temporary Licenses." The provisions of Section 626.872, Florida Statutes, regarding "Temporary Licenses" are not applicable to licensing persons temporarily for catastrophe or emergency situations.~~

~~(d) Emergency-Related Losses Only. Licensure as an emergency adjuster may be used only for adjustment of losses directly resulting from the emergency regarding which the license was issued.~~

~~(e) Natural Persons Only. The office issues emergency adjuster licenses only to natural persons.~~

~~(f) Address For Office. Unless a different address is specified herein, any notice or other item to be provided to the office, shall be addressed as follows: Bureau of Agent/Adjuster Licensing, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0319. If the communication is from or on behalf of a licensee, it shall not be deemed effectively received unless it shows the licensee's full name, license number, address, and phone number.~~

~~(g) Administrative Jurisdiction. By applying for pre-qualification determination or licensure as an emergency adjuster the applicant agrees that:~~

~~1. The applicant is subject to all the disciplinary provisions and penalties of the Florida Insurance Code and the administrative procedures set forth in the Florida Statutes for the routine processing of such charges;~~

~~2. Jurisdiction for acts committed prior to licensure or while licensed continues after the emergency licensure expires or is terminated;~~

~~3. If after the licensure expires or is terminated, the office has reason to believe there was a violation of any provision of the Florida Insurance Code by the former licensee while licensed, the office is not precluded from filing administrative action against the former licensee, and from serving the charges by certified mail to the licensee, or by publication of notice of action in the legal notices section of a newspaper of general circulation in or near the city or county of permanent residence or place of business as shown on the licensee's application for emergency licensure if certified mail service is unsuccessful;~~

~~4. The former licensee will respond to and defend the charges in Florida, or be defaulted;~~

~~5. The former licensee will not assert lack of jurisdiction; and~~

~~6. The former licensee believes that the preceding provisions satisfy minimum due process requirements of all state and federal constitutions.~~

~~(h) Civil Jurisdiction; Service of Process. By the act of applying for pre-qualification determination or licensure as emergency public adjuster, the applicant irrevocably:~~

~~1. Agrees and submits to the jurisdiction of the courts of Florida concerning civil liability for all acts in any way related to the licensee's activities under licensure in Florida;~~

~~2. Designates the Chief Financial Officer as the applicant's agent for service of all process in any way related to the applicant's activities licensed as an emergency public adjuster; and~~

~~3. Agrees that these provisions shall survive the expiration or termination of pre-qualification or licensure.~~

(5) Procedures for Licensing and Appointment of Emergency Adjusters; Responsibilities of Appointing Entity.

(a) All Florida-licensed insurers, independent adjusting firms, independent adjusters, and general lines agents, shall use the following procedures to utilize emergency company or independent adjusters. The entities or persons listed in the preceding sentence may immediately and without advance paperwork to this department, engage and cause commencement of catastrophe adjusting work for themselves, by any persons, whether on their staff, or hired by them, or engaged by them as independent contractors or as employees of a contractor engaged by them, although the person is not currently licensed as an adjuster in Florida, if the Florida-licensed insurer, independent adjusting firm, independent adjuster or general lines agent utilizing these persons as emergency or catastrophe adjusters determine that these persons are qualified to do such adjusting work. A person is not qualified to adjust claims, for any entity or person who utilizes computer software program(s) in the adjusting process, unless the person has received training in and is capable of

correctly utilizing the program(s). Within 7 calendar days after adjusting work has begun, the appropriate official must submit the "Application for License and Appointment as a Catastrophe or Emergency Adjuster," Rev. 5/06, to the Department. All applications shall be submitted through the Department's website at <https://aalf.fldfs.com/common/com index.asp>. Applicable fees shall be submitted by electronic payment at the time of submission of an application.

1. The insurance company representative, independent adjusting firm, independent adjuster or general lines agent who submits the online application certifies that the applicant is qualified, thereby appoints the applicant to represent that company, independent adjusting firm, independent adjuster or general lines agent; and once the license is issued, the appointing person or entity is bound by the acts of the applicant as in the case of any regular licensed (non-Temporary or non-Catastrophic) adjuster licensed pursuant to Chapter 626, Florida Statutes, appointed by that company, independent adjusting firm, independent adjuster or general lines agent. This responsibility continues until the appointing entity, appointing person or licensee notifies the department through the online appointment system or the licensee notifies the department through the online application process that the appointing entity, appointing person or licensee desires to terminate the appointment.

2. The insurance company, independent adjusting firm, independent adjuster or general lines agent who certifies to the department that the applicant is qualified, is responsible for assuring, by due diligence inquiry, that the applicant is in fact qualified to adjust claims, has received training in and is capable of correctly utilizing any computer software program(s) utilized by the appointing entity or person to adjust claims and is of good and honest character.

(b) There is an affirmative duty on the insurance company, independent adjusting firm, independent adjuster or general lines agent who certifies to the department that the applicant is qualified, to provide continuing and significant supervision of the applicant after licensure.

(c) Emergency adjuster licenses are valid for 180 days from the date of issuance of the emergency license, unless a shorter period of time is specified in the license as issued. Because emergency licensure is an extraordinary deviation from regular licensing procedures, it is department policy to specify, as the duration of emergency licensure, the shortest possible time in each particular emergency.

(6) Procedures for Extension of an Emergency Adjuster License. The department shall grant an extension of emergency licensure if the conditions set forth in subparagraph (4)(a)2. of this rule still exist. Each extension will last for a period of up to an additional 180 days.

(a) To apply for an extension of licensure as an emergency company or independent adjuster, the entity requesting a license extension shall submit an application for the extension



on the department's website at [www.fldfs.com](http://www.fldfs.com). Applicable fees shall be submitted by electronic payment at the time of submission of an application for the extension.

(b) Only the licensure type and class that the licensee holds at the time of application for extension may be extended.

(c) "Temporary Licenses." The provisions of Section 626.872, Florida Statutes, regarding "Temporary Licenses" are not applicable to licensing persons temporarily for catastrophe or emergency situations.

(d) Emergency-Related Losses Only. Licensure as an emergency adjuster may be used only for adjustment of losses directly resulting from the emergency regarding which the license was issued.

(e) Natural Persons Only. The department issues emergency adjuster licenses only to natural persons.

(f) Address and Website for the Department. Unless a different address is specified herein, any notice or other item to be provided to the department, shall be addressed as follows: Bureau of Licensing, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319. The department's website address is [www.fldfs.com](http://www.fldfs.com).

(g) Administrative and Civil Jurisdiction. By obtaining a license as an emergency adjuster the licensee agrees that:

1. The licensee is subject to all the disciplinary provisions and penalties of the Florida Insurance Code and the administrative procedures set forth in the Florida Statutes for the routine processing of such charges;

2. The licensee is subject to the jurisdiction of the courts of Florida concerning civil liability for all acts in any way related to the licensee's activities under licensure in Florida;

3. Jurisdiction for acts committed prior to licensure or while licensed continues after the emergency licensure expires or is terminated;

4. If after the licensure expires or is terminated, the department has reason to believe there was a violation of any provision of the Florida Insurance Code or these rules by the former licensee while licensed, the department is not precluded from filing administrative action against the former licensee, and from serving the charges by certified mail to the licensee, or by publication of notice of action in the legal notices section of a newspaper of general circulation in or near the city or county of permanent residence or place of business as shown on the licensee's application for emergency licensure if certified mail service is unsuccessful;

5. The licensee or former licensee will respond to and defend the charges in Florida, or be defaulted;

6. The licensee or former licensee will not assert lack of jurisdiction; and

7. The licensee or former licensee believes that the preceding provisions satisfy minimum due process requirements of all state and federal constitutions.

(h) By the act of obtaining licensure as an emergency adjuster, a nonresident licensee irrevocably designates the Chief Financial Officer as the licensee's agent for service of all process in any way related to the licensee's activities as an emergency adjuster.

~~(5) Emergency Company and Independent Adjusters. The provisions of this subsection apply only to emergency company and emergency independent adjusters, and not to licensure of emergency public adjusters.~~

~~(a) All Florida-licensed insurers, independent adjusters, and general lines agents, shall use the following procedures to utilize emergency company or independent adjusters. The entities or persons listed in the preceding sentence may immediately and without advance paperwork to this department, engage and cause commencement of catastrophe adjusting work for themselves, by any persons, whether on their staff, or hired by them, or engaged by them as independent contractors or as employees of a contractor engaged by them, which persons they determine to be qualified to do such adjusting work, and even though the person is not currently licensed as an adjuster in Florida. Within 30 calendar days after adjusting work has begun, the appropriate entity official must execute and submit office Form OIR-396, "Application for License and Appointment as a Catastrophe or Emergency Adjuster," rev. 7/94, which is hereby adopted and incorporated by reference, and shall attach a check for applicable fee per applicant, as specified in Form OIR-396, payable to the Office of Insurance Regulation. Form OIR-396 is available at all office consumer service offices or from the office headquarters. The application and check shall be submitted to: Bureau of Licensing, P. O. Box 6000, Tallahassee, FL 32314-6000, or by overnight courier to: Bureau of Licensing, 200 East Gaines Street, Tallahassee, FL 32399-0319. One check may be used to pay the fees for multiple applications submitted together.~~

~~(b) Within 3 days of when an emergency adjuster begins work, the insurance company, independent adjuster, or general lines agent that is using the emergency adjuster must fax to the Bureau of Licensing the name of the emergency adjuster and his/her social security number. The fax must be on the letterhead of the insurance company, general lines agent, or independent adjuster/firm, and shall include the name and phone number of the contact person regarding emergency adjuster licensing. Contact should be made with the office for the appropriate fax numbers.~~

~~(c) The insurance company representative, general lines agent, or independent adjuster who signs Form OIR-396 to certify that the applicant is qualified (referred to herein as the "certifier"), thereby appoints the applicant to represent that company, agent, or independent adjuster; and once the license is issued, the certifier is bound by the acts of the applicant as in the case of any regular licensed (non-Temporary or non-Catastrophic) adjuster licensed pursuant to Chapter 626,~~

~~Florida Statutes, appointed by that company, agent, or independent adjuster. Such responsibility continues until such time as said certifier shall notify the office in writing that the certifier desires to terminate the certification, at which time the emergency license is cancelled automatically, until such time as the applicant can obtain another certifier.~~

~~(d) The insurer, general lines agent, or independent adjuster who certifies to the office that the applicant is qualified, is responsible for assuring, by due diligence inquiry, that the applicant is in fact qualified to adjust claims and is of good and honest character.~~

~~(e) There is an affirmative duty on the insurance company, general lines agent, or independent adjuster, to provide continuing and significant supervision to the applicant after licensure.~~

~~(f) Nonresident Company Adjusters. Persons employed by insurers and licensed by the office as non-resident company adjusters may temporarily come into Florida and work out of Florida offices as emergency adjusters for their employing insurance company without further licensure from the office, for 180 days or such shorter time as the office may by emergency rule specify as the maximum duration of emergency licensure for that particular emergency, and will not be deemed to have a Florida office such as would disqualify them from holding non-resident licensure or be held violative of their non-resident license status; provided, their employing insurance company shall before allowing such persons to adjust emergency losses while physically in Florida, provide the office with a listing of the names and adjuster license numbers of all such persons, and shall obtain from the office written acknowledgment that an emergency exists, specifying the emergency.~~

~~(g) Application for Emergency Adjuster Licensure as a Company or Independent Adjuster. Application for licensure as an Emergency Adjuster shall be made on Form OIR-396, "Application for Licensure and Appointment as Emergency Adjuster," rev. 10/95, which is hereby adopted and incorporated by reference.~~

~~(6) Emergency Public Adjusters: General Provisions. This subsection pertains only to licensure of emergency public adjusters.~~

~~(a) Advance Approval Required.~~

~~1. No person may commence work as an emergency public adjuster until notified in writing by the office that the office:~~

~~a. Has received an application and made an affirmative pre-qualification determination and issued a letter so indicating, or~~

~~b. Has been approved for licensure if no pre-qualification determination was requested in advance.~~

~~2. If the pre-qualification method is used, the subject of the pre-qualification must request licensure pursuant to paragraph (7)(b) of this rule in order to commence work.~~

~~(b) Background Checking; Grounds for Denial. As to all applications for licensure as an emergency public adjuster, the office shall conduct such background inquiry as is necessary to determine the applicant's fitness and character. Adverse information noted in any area will be grounds for denial of application. The inquiry is limited to:~~

~~1. Inquiry of state or federal regulatory authorities in other states where the applicant has resided or done business;~~

~~2. Checking references provided;~~

~~3. Inquiry of criminal databases and law enforcement authorities; and~~

~~4. Checking for judgments and other adverse credit references.~~

~~(c) Bond Required. No person will be licensed as an emergency public adjuster unless the applicant has supplied to the office the \$5,000 bond required by Section 626.865(2), Florida Statutes. Applications for licensure will be received and preliminarily processed without the bond, but no licensure shall be issued until the bond is received in good and proper form.~~

~~(d) Policy Regarding Licensure Threshold. It is office policy and finding that a substantially higher threshold of certainty regarding fitness and character is appropriate and required for licensure as an emergency public adjuster, as compared to licensure as an emergency company or independent adjuster. This is because if a company or independent adjuster proves dishonest or incompetent, there is generally a regulated insurance company that may be required to make good that adjuster's misconduct. However, regarding a public adjuster, there is no such safeguard for consumers.~~

~~(e) Records To Be Kept.~~

~~1. All emergency public adjusters shall at all times while licensed and for 30 days thereafter maintain in Florida an office and keep their records or copies of all records relating to all Florida losses being adjusted or previously adjusted under said emergency licensure. All emergency public adjusters licensed under this rule shall designate their Florida office location to the office within 72 hours after becoming licensed, and shall notify the office in writing within 24 hours of any change in said office location. Failure to designate such an office or to timely update the office as to its location is grounds for immediate termination of licensure. The address of this office shall appear on all contracts, literature, etc., used by the public adjuster. This office shall be open and staffed at least six hours of every day, between the hours of 8 a.m. and 5 p.m., Monday through Friday, public holidays excluded.~~

~~2. The records and offices of all emergency public adjusters shall be subject to inspection by the office without notice at any time.~~

~~(f) Advertising. All emergency public adjusters are strictly prohibited from advertising. Advertising means promotions, statements of availability, qualifications, and other similar statements, appearing on or in television, radio, newspapers, or~~

magazines; and flyers, brochures, adhesive stickers affixed to any structure showing the adjusters name, address, phone number, and other similar information. Emergency public adjusters shall not use the services of any person or firm, who advertises for the emergency public adjuster, or who is directly or indirectly compensated for referring potential clients to the emergency public adjuster. The following do not constitute prohibited advertising:

1. The emergency public adjuster personally handing to any claimant or potential claimant brochures or other descriptive materials as to the public adjusting function, the public adjuster's qualifications, fees, and other similar information.

2. Solicitation (as defined herein) of work, by the emergency public adjuster in person, wherein the solicitation is made to the loss claimant, and subject to other limitations in this rule concerning solicitation; provided, limited emergency public adjusters may not solicit work on any premises which are not clearly commercial premises.

(g) Advising Claimants and Others. The advising of insureds, claimants, potential claimants, or other persons as to the role, value, or usefulness of public adjusters is deemed to be a material part of the business of public adjusting, and therefore requires licensure as a public adjuster under the laws of Florida and this rule, and may be engaged in only by persons licensed by the office as permanent or emergency public adjusters. Unlicensed persons may not engage in such activity even under the supervision of a licensed public adjuster.

(h) Certain Contracts Unenforceable. It is office policy that contracts engaging the services of a public adjuster, entered into in violation of any provisions of this rule or any emergency rule, shall be declared unenforceable on the part of any public adjuster, as violative of public policy.

(i) Photo ID Required. No emergency public adjuster, once approved for licensure by the office, shall be licensed or commence work, until obtaining from the office a photo identification card, paying in connection therewith the applicable fee as specified in Forms OIR AAS-1 and OIR AAS-3.

#### (7) Emergency Public Adjuster Applicants.

(a) To apply for licensure as an emergency public adjuster, the applicant shall execute Form OIR AAS-1, "Application for License and Appointment as an Emergency Public Adjuster," rev. 3/96 which is hereby adopted and incorporated by reference, and shall submit the fee specified in Form OIR AAS-1.

(b) To apply for pre-qualification determination for licensure as an emergency public adjuster, the applicant shall execute Form OIR-1199 "Application for Pre-qualification for Licensure as An Emergency Public Adjuster" Rev. 6/96 which is hereby adopted and incorporated by reference, and shall submit the fee specified in Form OIR-1199.

(c)1. Pre-Qualification Determination is not required for licensure as an Emergency Public Adjuster. However, persons are urged to pre-qualify prior to a disaster in order to expedite the emergency licensure process.

2. Pre-Qualification Determination requests will be considered between January 1 and April 30 of each year.

3. Any Pre-Qualification Determination made will be valid for a period of two years.

(d)1. Persons may apply for pre-qualification determination or licensure as an emergency public adjuster if they are currently licensed as a public adjuster in their home state for the type or kinds of insurance for which they intend to adjust claims in this state.

2. Applicants must be in good standing in all states where so licensed.

3. Evidence of good standing must be in the form of a current original Letter of Certification from the applicable state insurance department(s). The letter shall not be older than 90 days when submitted in connection with the application for licensure or pre-qualification determination.

(e) The application form must be signed by three persons:

1. The person to receive emergency licensure;

2. A regularly licensed (non-Temporary, non-Catastrophic) public adjuster who will supervise the emergency public adjuster (the supervising public adjuster); and 3. One of the following persons (the certifying person):-

a. An officer of a Florida licensed or admitted insurance company; or

b. A Florida licensed independent adjuster in good standing; or

c. A Florida licensed resident general lines insurance agent in good standing.

(f) The application forms may be obtained at all office consumer service offices or from office headquarters in Tallahassee and must be sent, with a check for the applicable fee, as specified in Form OIR AAS-1 or OIR-1199, to: Office of Insurance Regulation, P. O. Box 6000, Tallahassee, FL 32314-6000; or the applicant may contact the office for an address for use of overnight courier service.

(g) Supervising Public Adjuster. Licensees who are licensed under this subsection must be supervised by a regularly licensed (non-Temporary, non-Catastrophic) resident public adjuster in good standing while they are performing work under their emergency public adjuster licensure. The emergency licensure automatically terminates if the supervising public adjuster ceases to supervise the emergency adjuster. The emergency adjuster will be deemed to be an appointee of the supervising public adjuster. The supervising public adjuster is under an affirmative duty to provide continuing, significant supervision to the emergency public adjuster whose application he/she signed. The supervising public adjuster may prospectively terminate this duty at any time by notifying the office by certified mail, return receipt

~~requested, or by overnight courier, that he/she will no longer be supervising the emergency public adjuster as of a date specified in said letter. Such a notice is not effective until actually received by the office.~~

~~(8) Non-Resident Public and Independent Adjusters. Non-Resident Public and Independent Adjusters are required to annually execute Form OIR-1297, "Affidavit of Insurance For Non-Resident Public and Independent Adjusters", rev. 10/02 which is hereby adopted and incorporated by reference. A copy of Form OIR-1297 may be obtained from the State of Florida, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-3137.~~

~~Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.8732, 626.8734 FS. History--New 2-25-93, Amended 8-18-94, 1-7-97, 10-20-97, 1-9-03, Formerly 4-220.001, Amended \_\_\_\_\_.~~

#### 69B-220.051 Conduct of Public Adjusters.

(1) Purpose and Scope. This rule sets forth department Office policy as to certain matters generally affecting public adjusters. Procedures regarding application for licensure are not dealt with in this rule. Ethical provisions are not dealt with in this rule.

(2) Definitions. The following definitions shall apply for purposes of this rule.

(a) through (c) No change.

(d) "Licensed public adjuster" and "public adjuster" refer to and include only persons ~~actually~~ currently licensed in good standing by the department Office as public adjusters, whether the licensure is resident licensure under Section 626.865, Florida Statutes, or nonresident licensure under Section 626.8732, Florida Statutes ~~emergency licensure under Section 626.874, Florida Statutes, and whether the licensure is limited or unlimited.~~ The phrase does not include persons licensed as public adjusters by other states but not by the State of Florida.

~~(e) "Resident public adjuster" and references thereto refers to a public adjuster not licensed on an emergency basis as contemplated by Section 626.874, Florida Statutes, and Rule 69B-220.001, F.A.C., and who is a bona fide resident of this state.~~

~~(e)(f) "Unlicensed persons," as used in this rule, means and refers to persons who are not actually currently licensed and appointed in good standing by the department Office as resident or nonresident emergency public adjusters.~~

(3) Communications Concerning Public Adjuster Services.

(a) Solicitation. The solicitation of public adjusting business for compensation is deemed to be a material part of the business of public adjusting and, therefore, requires licensure as a public adjuster under the laws of Florida and the rules of the department Office, and shall be engaged in only by persons licensed by the department Office as public adjusters. Unlicensed persons shall not engage in such activity even under the supervision of a licensed public adjuster. The phrase

"solicitation of public adjusting business" and similar phrases as used in this rule means, for compensation, initiating contact with any person, whether in person, by mail, by telephone, or otherwise, and therein seeking, causing, urging, advising, or attempting:

1. To have any person enter into any agreement engaging the services of a public adjuster in any capacity; or

2. To have any person subsequently speak or meet with a licensed public adjuster for the purpose of engaging the services of a public adjuster in any capacity or for the purpose of being advised by a public adjuster in any regard.

(b) No change.

(4) Advertising.

(a) As with all forms of advertising concerning the business of insurance, public adjusters shall not falsely inform or advertise as set forth in Section 626.9541(1)(b), Florida Statutes, as well as any other section within the Insurance Code ~~that which~~ relates to advertising.

(b) Only Licensed Adjusters to Advertise. No person or entity shall in any way advertise services as a public adjuster in this state, unless such person or entity is licensed as a ~~resident~~ public adjuster or is a member of the Florida Bar.

(c) Advertisements to Show Licensee's Full Name. Any advertisement by a ~~resident~~ public adjuster shall state the full name as specified in department Office records of the public adjuster who has caused the advertisement to appear. Where a firm containing multiple licensed public adjusters is causing the advertisement to appear, the firm shall designate one of said licensees whose full name as specified in department Office records shall appear in the advertisement.

1. Print and Website Advertisements. In print and website advertisements the public adjuster's full name as specified in department Office records shall be in typeface no smaller than the typeface of the main body of text in the advertisement. Print advertisements include newspapers, magazines, flyers, brochures, business cards, adhesive and magnetic publication, and similar printed materials. If the material is already printed when this rule takes effect, the required public adjuster's full name shall be added by means of rubber stamp, adhesive label, or other means.

2. Television Advertisements. In television advertisements the public adjuster's full name as specified in department Office records shall be made to appear on the screen for a period reasonably calculated to allow a viewer to write the name down.

3. Radio Advertisements. In radio advertisements, the public adjuster's full name as specified in department Office records shall be read during the advertisement, and at a speed reasonably calculated to allow an average listener to note the name of the licensee as it appears on his or her licensure.

(d) Responsibility of Advertising Licensee. The licensed adjuster whose name appears in the advertisement is responsible for personally reviewing the content of the

advertisement and assuring that the advertisement complies with the rules of the ~~department Office~~ and the Insurance Code and is in all regards fair, accurate, and in no way deceptive or misleading.

(5) It is the affirmative duty of every ~~resident~~ public adjuster to supervise their business affairs and their staff to ensure to the extent it is within the public adjuster's power that the Florida Insurance Code and Rule Chapter 69B-220, F.A.C., are rule is not violated.

(6) No change.

(7) All contracts for public adjuster services must be in writing. The contract must be signed by the public adjuster who solicited the contract. ~~If the public adjuster is licensed by the Department as an emergency public adjuster, the contract shall show the public adjuster's permanent home address and home phone number, and permanent home state business address and phone number and Florida Department license number.~~

(8) No change.

Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.112(1), 626.865(2), 626.874, 626.9541(1)(b), (i) FS. History—New 4-26-94, Amended 12-18-01, Formerly 4-220.051, Amended.

69B-220.201 Ethical Requirements.

(1) Definitions. The following definitions shall apply for purposes of this rule.

(a) No change.

(b) No change.

(c) "Department" means the Florida Department of Financial Services ~~"Office" refers to the Florida Office of Insurance Regulation.~~

(d) No change.

(2) No change.

(3) Code of Ethics. The work of adjusting insurance claims engages the public trust. An adjuster shall put the duty for fair and honest treatment of the claimant above the adjuster's own interests in every instance. The following are standards of conduct that define ethical behavior, and shall constitute a code of ethics ~~that which~~ shall be binding on all adjusters:

(a) through (h) No change.

(i) ~~An adjuster shall not negotiate or effect settlement directly or indirectly with any third-party claimant represented by an attorney, if the adjuster has knowledge of such representation, except with the consent of the attorney.~~

~~2-~~ For purposes of this subsection, the term "third-party claimant" does not include the insured or the insured's resident relatives.

(j) ~~An adjuster is permitted to interview any witness, or prospective witness, without the consent of opposing counsel or party. In doing so, however, the adjuster shall scrupulously~~

avoid any suggestion calculated to induce a witness to suppress or deviate from the truth, or in any degree affect the witness's appearance or testimony during deposition or at the trial.

~~2-~~ If any witness making or giving a signed or recorded statement so requests, the witness shall be given a copy of the statement.

(k) No change.

(l) ~~An adjuster shall not attempt to negotiate with or obtain any statement from a claimant or witness at a time that the claimant or witness is, or would reasonably be expected to be, in shock or serious mental or emotional distress as a result of physical, mental, or emotional trauma associated with a loss.~~

~~2-~~ The adjuster shall not conclude a settlement when the settlement would be disadvantageous to, or to the detriment of, a claimant who is in the traumatic or distressed state described above ~~in subparagraph (l)1.~~

(m) ~~An adjuster shall not knowingly fail to advise a claimant of the claimant's claim rights in accordance with the terms and conditions of the contract and of the applicable laws of this state.~~

~~2-~~ An adjuster shall exercise care not to engage in the unlicensed practice of law as prescribed by the Florida Bar.

(n) ~~A company or independent adjuster shall not draft special releases called for by the unusual circumstances of any settlement or otherwise draft any form of release, unless advance written approval by the insurer can be demonstrated to the Department.~~

~~2-~~ Except as provided above, a company or independent adjuster is permitted only to fill in the blanks in a release form approved by the insurer they represent.

(o) No change.

(p) ~~No person shall, as a public adjuster, represent any person or entity whose claim the adjuster has previously adjusted while acting as an adjuster representing any insurer or independent adjusting firm.~~

~~2-~~ No person shall, as a company or independent adjuster, represent him- or herself or any insurer or independent adjusting firm against any person or entity that the adjuster previously represented as a public adjuster.

(q) ~~A public adjuster shall not represent or imply to any client or potential client that insurers, company adjusters, or independent adjusters routinely attempt to, or do in fact, deprive claimants of their full rights under an insurance policy.~~

~~2-~~ No insurer, independent adjuster, or company adjuster shall represent or imply to any claimant that public adjusters are unscrupulous, or that engaging a public adjuster will delay or have other adverse effect upon the settlement of a claim.

(r) ~~No public adjuster, while so licensed in the Department's records, may represent or act as a company adjuster, independent adjuster, or general lines agent.~~

~~2. No independent adjuster or company adjuster, while so licensed in the Department's records, may represent or act as a public adjuster.~~

~~(s) A company adjuster, independent adjuster, attorney, investigator, or other person acting on behalf of an insurer that needs access to an insured or claimant or to the insured property that is the subject of a claim shall provide at least 48 hours notice to the insured or claimant prior to scheduling a meeting with the insured or claimant or an on-site inspection of the insured property. The insured or claimant may deny access to the property if this notice has not been provided.~~

(4) Public Adjusters, Other Ethical Constraints. In addition to considerations set out above for adjusters, the following ethical considerations are specific to public adjusters and shall be binding upon public adjusters:

(a) No change.

~~(b) The public adjuster shall notify the insured or claimant in advance of the name and location of any proposed contractor, architect, engineer, or similar professional, before any bid or proposal by any of these persons may be used by the public adjuster in estimating the loss or negotiating settlement.~~

~~2. The insured or claimant may exercise veto power of any of these persons, in which case that person shall not be used in estimating costs.~~

(c) through (e) No change.

~~(f) A public adjuster shall not accept referrals of business from any person with whom the public adjuster may conduct business where there is any form or manner of agreement to compensate the person, whether directly or indirectly, for referring business to the public adjuster.~~

~~2. Except as between licensed public adjusters, no public adjuster shall compensate any person, whether directly or indirectly, for the principal purpose of referring business to the public adjuster.~~

~~(g) A public adjuster's contract with a client shall be revocable or cancelable by the insured or claimant, without penalty or obligation, for at least 3 business days after the contract is executed.~~

~~2. The public adjuster shall disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period.~~

~~3. If the insured elects to cancel the contract, prompt notice shall be provided to the adjuster.~~

~~4. Nothing in the provision shall be construed to prevent an insured from pursuing any civil remedy after the 3-day cancellation period.~~

(h) through (i) No change.

~~(j) A public adjuster shall not restrict or prevent an insurer, company adjuster, independent adjuster, attorney, investigator, or other person acting on behalf of the insurer from having reasonable access at reasonable times to an insured or claimant or to the insured property that is the subject of a claim.~~

(5) Public Adjusters, Ethical Constraints During State of Emergency. In addition to considerations set forth above, the following ethical considerations shall apply to public adjusters in the event that the Governor of the State of Florida issues an Executive Order, by virtue of the authority vested in Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, declaring that a state of emergency exists in the State of Florida:

(a) No public adjuster shall require, demand, charge or accept any fee, retainer, compensation, commission, deposit, or other thing of value, prior to receipt by the insured or claimant of a payment on the claim by the insurer.

(b) As to any one insured or claimant, no public adjuster shall charge, agree to, or accept as compensation or reimbursement any payment, commission, fee, or other thing of value equal to more than ten percent of the amount of any insurance settlement or claim payment.

(c) No public adjuster shall enter into any contract, agreement or other arrangement with any person, including an attorney, building contractor, architect, appraiser or repairman, by which the person would enter into an agreement to assist a claimant or insured on an insurance claim, utilize the services of the adjuster to carry out the agreement and pay the adjuster an amount that would exceed the limitation of the adjuster's compensation or reimbursement as provided in paragraph (b) above.

(d) This subsection applies to all claims that arise out of the events that created the State of Emergency, whether or not the adjusting contract was entered into while the State of Emergency was in effect and whether or not a claim is settled while the State of Emergency is in effect.

Specific Authority 624.308, 626.878, 626.9611 FS. Law Implemented 624.307(1), 626.611, 626.621, 626.865(2), 626.878, 626.9541(1)(i) FS. History—New 6-2-93, Amended 12-18-01, 3-27-05, Formerly 4-220.201, Amended.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE NO.:	RULE TITLE:
69L-6.021	Construction Industry Classification Codes, Descriptions, and Operations Scope of Exemption

PURPOSE AND EFFECT: To delete class code 5536 "Heating and Air Conditioning Duct Work – Shop and Outside – and Drivers", class code 6003 "Pile Driving" and class code 6005 "Jetty or Breakwater Construction – All Operations to Completion and Drivers" from the rule as those class codes have been discontinued in the Florida Contracting Classification Premium Adjustment Program, and published in the Florida exception pages of the National Council on Compensation Insurance, Inc. (NCCI) Basic Manual (October 2005 edition). To include class code 6004 "Land Pile Driving"

and class code 6006F “Marine Pile Driving, Dock & Seawall, Jetty or Breakwater, Dike or Revetment Construction – All Operations to Completion & Drivers” in the rule as those class codes have been included in the classification codes and descriptions that are specified in the Florida Contracting Classification Premium Adjustment Program, and published in the Florida exception pages of the National Council on Compensation Insurance, Inc. (NCCI) Basic Manual (October 2005 edition).

SUBJECT AREA TO BE ADDRESSED: Construction industry class codes for purposes of workers’ compensation.

SPECIFIC AUTHORITY: 440.02(8), 440.591 FS.

LAW IMPLEMENTED: 440.02(8) FS.

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

DATE AND TIME: July 11, 2006, 10:00 a.m.

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, S. E., Tallahassee, Florida

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.021 Construction Industry Classification Codes, Descriptions, and Operations Scope of Exemption.

(1) No change.

(a) through (qq) No change.

~~(rr) 5536 Heating and Air Conditioning Duct Work—Shop and Outside—and Drivers~~

(ss) through (bbb) renumbered (rr) through (aaa) No change.

(bbb) 6004 Land Pile Driving

~~(eee) 6003 Pile Driving~~

(ccc) 6006F Marine Pile Driving, Dock & Seawall, Jetty or Breakwater, Dike or Revetment Construction – All Operations to Completion & Drivers

~~(ddd) 6005 Jetty or Breakwater Construction—All Operations to Completion and Drivers~~

(eee) through (iiii) renumbered (ddd) through (hhhh) No change.

(2) No change.

Specific Authority 440.02(8), 440.591 FS. Law Implemented 440.02(8) FS. History—New 10-21-02, Formerly 4L-6.021, Amended 7-4-04, 3-15-06,\_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-3 Feed

RULE NO.: RULE TITLE:

5E-3.003 Inspection; Sampling; Analysis; Reporting Rejecting Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees

PURPOSE, EFFECT AND SUMMARY: The purpose of the proposed actions is to amend Rule 5E-3.003, F.A.C. The effect is to harmonize rule definitions to coincide with those listed in the Association of American Feed Control Officials (AAFCO) official publication and to categorize new products within the feed industry; to define an explicit sampling period; and to modify sampling requirements for feed ingredients and mixed feeds to correspond with revised definitions.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Cost or to provide a proposal for a lower cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 570.07(23), 580.036(2), 580.065 FS.

LAW IMPLEMENTED: 580.036(2), 580.051, 580.065, 580.036(2), 580.071, 580.091, 580.121, 580.131 FS.

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

DATE AND TIME: July 10, 2006, 3:00 p.m.

PLACE: Flag Credit Union Conference Room, 3115 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Weldon E. Collier, Chief, Bureau of Feed, Seed, and Fertilizer Laboratories, Division of Agricultural Environmental Services, FDACS, L-29, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650; telephone (850)488-9095

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-3.003 Inspection; Sampling; Analysis; Reporting Rejected Feed and Feedstuff; Reduced Sampling Requirements; Laboratory Certification/Exemption Requirements and Fees.

(1) Definitions.

(a) through (b) No change.

(c) The term “product type” means mixed: poultry feed, dairy cow feed, beef cattle feed, horse feed, swine feed, or other feed.

(d) The term “Mixed Feed” means a product which is a mixture of nutritional ingredients intended or represented for use as a substantial source of nutrients in an animal diet, which may or may not be limited to the sole ration of the animal.

(e) The term “Ingredient” means each of the constituent materials used to make a commercial feed.

(f) The term “Other Feed” is inclusive of all other commercial feed products intended for consumption by species of animals not previously stipulated.

(g) The term “Grain or Grain Products” includes Barley, Maize – (Corn Products), Grain Sorghum, Oats, Rice, Rye, Triticale, and Wheat.

(h) The term “Other Feed Ingredients” is inclusive of all ingredients other than Cottonseed Products, Peanut Products, and ingredients identified as “Grain or Grain Products”

(i) The term “Treats” includes products identified as Snacks, Chews, Biscuits, Cookies, or Bones that are intended for intermittent or supplemental feeding only and which are not intended or represented to serve as the primary source of nutrients in an animal diet.

(j) The term “Mineral or Vitamin Supplement” means all mixtures that contain mineral or vitamin ingredients generally regarded as dietary factors essential for the normal nutrition of animals and that are sold or represented for the primary purpose of supplying these minerals or vitamins as additions to rations in which these same mineral or vitamin factors may be deficient.

(2) Inspection.

(a) through (b) No change.

(3) Sample and Analytical Documentation.

(a) through (c) No change.

(d) Positive ~~microbiological organism, pesticide residues,~~ drugs and mycotoxin results must be reported within 48 hours of completion of analyses to the department.

(4) Sampling Requirements, Frequency, and Analysis Requirements.

The sampling period shall run concurrently with the registration period. Samples of commercial feed and feedstuffs shall be submitted quarterly, to laboratories certified by the Department, corresponding to the tonnage reported to the Department. A minimum of one sample shall be submitted by the end of the first quarter of each year. The sampling period ends June 1st of each year. The sampling frequency and

analysis requirements to be used by feed registrants approved certified laboratories and approved quality assurance/quality control programs are listed below. If the department finds that circumstances exist which threaten the health of commercial livestock or the public, the department shall require additional feed sample analyses.

(a) Ingredients.

1. Nutrients – No analyses required.

2. Mycotoxins.

a. Aflatoxins.

(I) ~~Grain and Grain Products Maize – (Corn Products)~~ One sample per 5,000 tons distributed shall have a quantitative analysis performed;

(II) Cottonseed Products – One sample per 2500 tons shall have a quantitative analysis performed;

(III) Peanut Products – One sample per 500 tons shall have a quantitative analysis performed;

~~(IV) Other grains and grain products – One sample per 5000 tons shall have a quantitative analysis performed;~~

~~(IV)(V)~~ There will be a minimum of one quantitative analysis performed per year per distributor on the above ingredient types;

~~(V)(VI)~~ No aflatoxin analysis is required on ingredients not listed above.

b. Fumonisin.

(I) Maize – (Corn Products) – One sample per 5,000 tons distributed shall have a quantitative analysis performed; ~~Corn screenings – One sample per year per distributor shall have a quantitative analysis performed~~

(II) No fumonisin analysis is required on ingredients not listed above.

c. Vomitoxin.

(I) Grain and grain products (excluding Maize – Corn Products) – One sample per 25,000 tons shall have a quantitative analysis performed;

(II) There will be a minimum of one quantitative analysis performed per year per distributor for grain and grain products (excluding Maize – Corn Products);

(III) No vomitoxin analysis is required on ingredients not listed above.

~~3. Microorganisms – Animal products shall have one qualitative salmonella analysis performed per year. If the analysis is positive, the group and type shall be specified.~~

~~4. Pesticide Residues – All ingredient types (except minerals) shall have one pesticide screen (carbamates, chlorinated hydrocarbons and organophosphates) performed per year per distributor. All positive screens must be confirmed quantitatively.~~

~~3.5. Drugs –~~

a. The FDA requirements as provided in 21 C.F.R. parts 225, 226 (4/1/01) shall be considered adequate for the purposes of this testing requirement.



b. 21 C.F.R. pts. 225, 226 (4/1/01) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20401. No analysis required.

(b) Mixed Feeds.

1. Nutrients.

a. Protein, fat and fiber analysis shall be performed at a frequency of one per every 750 cumulative tons for all types of feed distributed. If the distributor's deficiency rate is 5% or less the sampling frequency shall be reduced to one per every 2000 tons; If the distributor's deficiency rate is greater than 5% but less than 10%, the sampling frequency may be reduced to one per every 1000 tons;

b. If the distributor's deficiency rate is 20% or greater the sampling frequency shall be increased to one for every 500 tons;

c. Mineral analyses shall be performed at a frequency of one per every 15,000 cumulative tons distributed per year with a minimum of one analysis per year.

d. Treats shall be exempt from nutrient sampling and analysis requirements.

2. Mycotoxins.

a. Aflatoxin analysis shall be performed on all types of mixed feed at a frequency of one for every 25,000 cumulative tons (excluding minerals or vitamin supplements and liquid feed) with a minimum of one per year per distributor. Aflatoxin analysis must be quantitative;

b. Fumonisin analysis shall be performed at a frequency of one per year per distributor for horse feed only;

c. Vomitoxin analysis shall be performed for all types of mixed feed (excluding minerals or vitamin supplements and liquid feed) at a frequency of one per every 50,000 cumulative tons with a minimum of one per year per distributor.

d. Treats shall be exempt from mycotoxin sampling and analysis requirements.

~~3. Microorganisms (salmonella) analysis shall be performed at a frequency of one per every 100,000 tons per type of feed per distributor with a minimum of one analysis per year per type per distributor. If the analysis is positive, the group and type shall be specified.~~

~~3.4. Pesticide Residues – No analysis required.~~

~~4.5. Drugs.~~

a. The FDA requirements as provided in 21 C.F.R. pts. 225, 226 (4/1/01) shall be considered adequate for the purposes of this testing requirement.

b. 21 C.F.R. pts. 225, 226 (4/1/01) are hereby incorporated by reference. Copies may be obtained from the Superintendent of Documents, U.S. Government Printing Office, 732 N. Capitol Street, N. W., Mail Stop SDE, Washington, D.C. 20401.

(5) through (7) No change.

(d) Commercial Laboratory Certification – Application, Evaluation and Renewal.

1. The Application/Renewal for Certification as a Certified Feed Laboratory (Form DACS-13401, Rev. 10/02 6/04) which is hereby incorporated by reference, must be properly completed and submitted with the appropriate fees. Copies may be obtained from and submitted to the Florida Department of Agriculture, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Building #7, Tallahassee, Florida 32399-1650, (850)488-9095. Separate applications must be submitted for each laboratory location without regard to ownership. Applications must be accompanied by the laboratory's Quality Assurance/Quality Control manual, assay methods, results from check sample programs and participation number, detailed organizational chart showing name and position title for all key personnel, description of the laboratory and laboratory equipment as it applies to the department certification activities, and a description of the scope of the laboratory operations;

2. through 5. No change.

6. The department will renew certifications annually. Renewal must be submitted on Application/Renewal for Certification as a Certified Feed Laboratory (Form number DACS-13401, Rev. 10/02 6/04) provided by the department.

(e) through (g) No change.

(8)(a) No change.

(b) Application for exemption from the requirement for laboratory certification through submission of an approved quality assurance/quality control plan shall be made in writing to the department on the Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402, Rev. 10/02 6/04). The Request/Renewal For Exemption From Certified Feed Laboratory Testing (Form number DACS-13402, Rev. 10/02 6/04) is hereby incorporated by reference. Copies may be obtained from Florida Department of Agriculture and Consumer Services, Bureau of Feed, Seed and Fertilizer Laboratories, Building #7, 3125 Conner Boulevard, Tallahassee, FL 32399-1650, (850)488-9095.

(c) through (f) No change.

Specific Authority 570.07(23), 580.036(2), 580.065 FS. Law Implemented 580.036(2), 580.051, 580.065, 580.071, 580.091, 580.121, 580.131 FS. History—Amended 12-30-70, 5-14-85, Formerly 5E-3.03, Amended 3-4-87, 6-1-95, 11-1-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Weldon Collier, Chief, Bureau of Feed, Seed, Fertilizer Laboratories, Department of Agriculture and Consumer Services, L-29, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Anderson Rackley, Director, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006 (Vol. 32, No. 18)

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE CHAPTER NO.: 5F-13  
 RULE CHAPTER TITLE: Guidelines for Imposing Administrative Penalties and Fines for Violations of Chapter 531, Florida Statutes

RULE NO.: 5F-13.001  
 RULE TITLE: Guidelines for Imposing Administrative Penalties and Fines for Violations of Chapter 531, Florida Statutes

PURPOSE AND EFFECT: The purpose of Rule 5F-13.001, F.A.C., is to specify Departmental policies when imposing an administrative fine as described in Section. 531.50, F.S. The effect is to have uniform imposition of administrative fines.

SUMMARY: Proposed Rule 5F-13.001, F.A.C., will specify guidelines when administrative fines are imposed pursuant to Section. 531.50, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 531.41(3) FS.

LAW IMPLEMENTED: 531.50(1) FS.

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

DATE AND TIME: Thursday, July 6, 2006, 10:00 a.m.

PLACE: Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #1, Room 105, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone: (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-13.001 Guidelines for Imposing Administrative Penalties and Fines for Violations of Chapter 531, Florida Statutes.

(1) These guidelines shall apply for each violation of Chapter 531, Florida Statutes, and Rules 5F-3.001, 5F-3.016, 5F-4.001, 5F-5.001, 5F-7.005, and 5F-12.001, F.A.C., for which administrative enforcement actions are imposed. Multiple violations of the same statute or rule identified during the same investigation will be consolidated in determining the appropriate penalty.

(2) For Weighing and/or Measuring Device Violations:

(a) The misuse of equipment, which results in inaccurate measure. This includes failure to deduct for packaging materials (tare) during a direct sale transaction; non-single draft vehicle weighing (split-weighing); manipulating a device during use to obtain incorrect weight or measure; tampering with adjustments of a device to obtain incorrect weight or measure; failure to reset a measuring device to zero before beginning a transaction which results in inaccurate measure in favor of the device user; and other such practices resulting in inaccurate measure. Penalties shall be assessed as follows:

1. First violation: Warning letter;

2. Second violation within 2 years: \$500 fine or the amount of the economic damages, whichever is greater, not to exceed \$2500 fine;

3. Third or subsequent violation within 2 years: an increase of \$500 over the previous fine amount or calculated economic damages, whichever is greater, not to exceed \$5000 fine.

(b) Majority of scales found in one location are off-zero balance in favor of the scale owner or operator. This applies only to locations with more than five (5) scales, and is in addition to violations in paragraph (2)(a) above:

1. First violation: Warning letter;

2. Second violation within 2 years: \$500 fine;

3. Third or subsequent violation within 2 years: \$1000 fine.

(c) Using a device for commercial purposes that has been ordered "Out of Service," prior to its being placed back into service and a "Placed in Service Report" submitted to the Bureau of Weights and Measures by an authorized, registered service agency or state inspector:

1. First violation: Warning letter;

2. Second violation within 2 years: \$1000 fine;

3. Third or subsequent violation within 2 years: \$2500 fine.

(d) Removing an "Out of Service" or "Condemned" tag without authorization:

1. First violation: Warning letter;

2. Second violation within 2 years: \$1000 fine;

3. Third or subsequent violation within 2 years: \$2500 fine.

(e) Authorized, registered repair service agency (under Chapter 5F-4, F.A.C.) returning a device back to commercial service that was placed "Out of Service" and that has not been properly corrected to comply with all state requirements. The registered repair agency shall be penalized as follows:

1. First violation: Warning letter;
2. Second violation within 2 years: \$100 fine;
3. Third and/or subsequent violation within 2 years: \$500 fine per violation.

(3) For Packaging and Labeling Violations:

(a) For packages that are packaged or that have the net contents determined at a location other than the retail store where tested, and that are found to contain less than declared net contents when tested using procedures adopted in Rule 5F-3.016, F.A.C.:

1. First violation: Warning letter;
2. Second violation within 2 years: \$500 fine or calculated economic damages, whichever is greater, up to a maximum \$2500 fine. "Calculated economic damages" equals the value of packages (price/package) times the average amount of shortage (% shortage per package) times the number of packages in lot(s);
3. Third or subsequent violation within 2 years: an increase of \$500 over the previous fine amount or calculated economic damages not to exceed \$5000 maximum. "Calculated economic damages" equals the value of packages (price/package) multiplied by the average amount of shortage (% shortage per package) multiplied by the number of packages in lot(s).

(b) For packages that are packaged or have the net contents determined on the premises of the retail store location where the packages are tested or purchased, and that are found to contain less than the declared net contents when tested using procedures adopted in Rule 5F-3.016, F.A.C.:

1. First violation at a particular retail location: Warning letter;
2. Second violation within 2 years at the same retail location: \$500 fine or calculated economic damages, whichever is greater, not to exceed \$2500 fine. "Calculated economic damages" equals the value of packages (price/package) multiplied by the average amount of shortage (% shortage per package) multiplied by the number of packages in lot(s);
3. Third or subsequent violation within 2 years at the same retail location: an increase of \$500 over the previous fine amount or calculated economic damages, whichever is greater, not to exceed \$5000 fine. "Calculated economic damages" equals the value of packages (price/package) multiplied by the average amount of shortage (% shortage per package) multiplied by the number of packages in lot(s).

(c) For packages that are packaged or that have the net contents determined at a location other than the retail store where tested, and are found with labeling not in compliance

with the requirements of Chapter 531, F.S., Rule 5F-3.001 or 5F-7.005, F.A.C. (other than net contents information that results in packages being found short measure as prescribed in paragraph 5F-13.001(3)(a) or (b), F.A.C.):

1. First violation: Warning letter;
2. Second violation within 2 years: \$500 fine;
3. Third or subsequent violation within 2 years: an increase of \$500 over the previous fine amount, not to exceed \$5,000.

(d) For packages that are packaged or have the net contents determined on the premises of the retail store location where the packages are tested or purchased, and that are found with labeling not in compliance with the requirements of Chapter 531, Florida Statutes, Rule 5F-3.001 or 5F-7.005, F.A.C. (other than net contents information that results in packages being found short measure as prescribed in paragraph 5F-13.001(3)(a) or (3)(b), F.A.C.):

1. First violation at a particular retail location: Warning letter;
2. Second violation within 2 years at the same retail location: \$500 fine;
3. Third or subsequent violation within 2 years at the same retail location: an increase of \$500 over the previous fine amount, but not to exceed \$5,000.

(e) Selling, or removing from premises, items under Stop-Sale Order without proper authorization:

1. First violation: \$500 fine or 25% of total retail value of packages (up to \$1000), whichever is greater;
2. Second violation within 2 years: \$1000 fine or 50% of total retail value of packages (up to \$2500), whichever is greater;
3. Third or subsequent violation within 2 years: total retail value of packages or \$5000 fine, whichever is less.

(4) For Price Verification/Pricing Accuracy Violations:

(a) A particular business location that fails price verification examination performed using procedures adopted in Rule 5F-12.001, F.A.C., and has more than 2% overcharges on the failed test:

1. First violation at a particular business location: Warning Letter;
2. Second violation within 2 years at the same business location: \$500 fine;
3. Third or subsequent violation within 2 years at the same business location: an increase of \$500 over the previous fine amount, but not to exceed \$5000 maximum.

(b) Selling items that were identified as overcharges and ordered off-sale for not being corrected during a Price Verification Examination, prior to the items being corrected and released for sale by a state inspector or official:

1. First violation: \$500 fine;
2. Second violation within 2 years: \$1000 fine;

3. Third or subsequent violation within 2 years: \$5000 fine.

(5) For Bulk Sales Documentation Violations:

(a) Failure to provide delivery ticket as required in Section 531.46, F.S.:

1. First violation: Warning letter;

2. Second violation within 2 years: \$500 fine;

3. Third or subsequent violation within 2 years: \$1000 fine.

(6) Impeding, obstructing or hindering Department employee during performance of Department duties:

1. First violation: \$1000 fine;

2. Second violation within 2 years: \$2500 fine;

3. Third or subsequent violation within 2 years: \$5000 fine.

(7) For Other Violations of Chapter 531, F.S.:

(a) Violations not specifically addressed in subsections 5F-13.001(1) through (6), F.A.C., that result in non-compliance with Chapter 531, F.S., will be assessed a warning letter or fine according to whether it is a first violation, a second violation within two years of the first violation, or a third or subsequent violation within two years of the first violation, the potential harm caused, the amount of money in which the violator benefited by non-compliance, and the compliance record of the violator. First occurrence fines shall not exceed \$1000; second occurrence fines shall not exceed \$2500; and in subsequent occurrences the fines shall not exceed \$5000.

(b) Any violations of Chapter 531, F.S., committed willingly or knowingly, including those covered in subsections 5F-13.001(1) through (6), F.A.C., will be assessed the maximum fines authorized in Section 531.50(1), F.S.

(c) A violator's failure to respond to an administrative complaint may result in a waiver of rights to a hearing and the Department may enter a Final Order imposing fines equal to twice the amount imposed in the administrative complaint, not to exceed the maximum amount allowed by law, for each violation.

Specific Authority 531.41(3) FS. Law Implemented 531.50(1) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul Driggers, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2006

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NOS.:	RULE TITLES:
61G17-6.003	General Survey, Map, and Report Content Requirement
61G17-6.004	Specific Survey, Map, and Report Requirements

PURPOSE AND EFFECT: The Florida Board of Professional Surveyors and Mappers is deleting language from paragraph 61G17-6.003(3)(p), F.A.C., to update the rule with language it approved at the Board's hearing involving this rule on January 12, 2006. The Florida Board of Surveyors and Mappers is also correcting rule citations in paragraph 61G17-6.004(3)(a), F.A.C.

SUMMARY: The Florida Board of Professional Surveyors and Mappers is deleting language from paragraph 61G17-6.003(3)(p), F.A.C., which was included by error, in order to update the rule to contain language that the Board approved on January 12, 2006. The Board is also revising paragraph 61G17-6.004(3)(a), F.A.C. to remove incorrect rule citations and replace them with correct rule citations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 472.008, 472.015, 472.027, 472.003(1)(h) FS.

LAW IMPLEMENTED: 472.015, 472.025, 472.027, 472.033(1)(h) 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-6.003 General Survey, Map, and Report Content Requirement.

(1) through (3)(o)2. No change.

(p) Map Accuracy. ~~The expected accuracies of features shown on a survey map must be stated.~~

1. through 2.d. No change.

Specific Authority 472.008, 472.015, 472.027, 472.003(1)(h) FS. Law Implemented 472.015, 472.025, 472.027 FS. History--New 9-1-81, Amended 7-29-85, \_\_\_\_\_.

61G17-6.004 Specific Survey, Map, and Report Requirements.

(1) through (2) No change.

(3)(a) When the surveyor and mapper provides construction staking, these stakes must be based on controls established using the survey standards set out in Rules 61G17-6.003 and 61G17-6.004, paragraph 61G17-6.003(3)(p) F.A.C., of this chapter. The stakes provided should be adequate in number and position so that the physical items can be constructed from the plans as designed.

(b) through (12)(b)5. No change.

Specific Authority 472.008, 472.027, 472.033(1)(h) FS. Law Implemented 472.027, 472.033(1)(h) FS. History--New 9-1-81, Formerly 21HH-6.04, Amended 12-18-88, Formerly 21HH-6.004, Amended 12-25-95, 5-13-96, 5-25-99, 4-4-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Surveyors and Mappers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.001      RULE TITLE: Licensee

PURPOSE AND EFFECT: The Board proposes the rule amendment to add the language regarding a delinquent license.

SUMMARY: The language regarding a delinquent license will be added to the rule.

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

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

SPECIFIC AUTHORITY: 473.304, 455.271 FS.

LAW IMPLEMENTED: 455.271 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: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.001 Licensee.

(1) "Licensee" shall be deemed and construed to mean a person, partnership or corporation which holds an active, inactive, delinquent, or temporary license issued under Chapter 473, F.S.

(2) No change.

Specific Authority 473.304, 455.271 FS. Law Implemented 455.271 ~~473.304~~ FS. History--New 12-4-79, Formerly 21A-20.01, Amended 10-20-86, Formerly 21A-20.001, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2006

**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.: 64B8-8.001      RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the disciplinary guidelines with regard to those physicians who are terminated from or fail to comply with a treatment program.

SUMMARY: The proposed rule amendments set forth penalties for those physicians who are terminated from or fail to comply with a treatment program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.0375(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.

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:

64B8-8.001 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	FIRST OFFENSE	SECOND OFFENSE
(a) through (ss) No change.		
<u>(tt) Being terminated from a treatment program for impaired practitioners, for failure to comply with the terms of the monitoring or treatment contract or for not successfully completing any drug-treatment or alcohol-treatment program.</u> (456.072(1)(gg), F.S.)	<u>(tt) From suspension until licensee demonstrates compliance with all terms of the monitoring or treatment contract, and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation; and a fine of \$1,000 to \$2,500, to revocation.</u>	<u>(tt) From suspension until licensee demonstrates compliance with all terms of the monitoring or treatment contract and is able to demonstrate to the Board the ability to practice with reasonable skill and safety to be followed by a term of probation; and a fine of \$2,500 to \$10,000, to revocation.</u>
(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, 1-4-06, \_\_\_\_\_.

SUMMARY: The proposed rule sets forth the criteria and training for those physicians who evaluated and treat sexual offenders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 947.005(9) FS.

LAW IMPLEMENTED: 947.005 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:

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: June 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:

64B8-9.015

RULE TITLE:

Qualifications of Physicians Who Evaluate and Treat Sex Offenders

PURPOSE AND EFFECT: The proposed rule is intended to set forth the criteria of physicians who evaluate and treat sexual offenders.

64B8-9.015 Qualifications of Physicians Who Evaluate and Treat Sex Offenders.

Physicians who evaluate and treat sexual offenders shall, at a minimum:

(1) Hold an active license under Chapter 458, F.S., and board-certification or be board-eligible in psychiatry.

(2) Possess 55 hours of education from an accredited medical training program or AMA, AOA, or ACGME programs, within five (5) years prior to approval as a qualified treatment provider. Said education shall include the following subject matter:

(a) Etiology of sexual deviance;

(b) Evaluation/risk assessment and treatment of adult and adolescent sexual offenders that have established scientific basis;

(c) Evaluation/risk assessment and treatment of specialized populations of sexual offenders (i.e., female and developmentally delayed);

(d) Sex offenders and relevant DSM-IV diagnosis;

(e) Safety planning/family safety planning;

(f) Report writing;

(g) Legal and ethical issues in the evaluation and treatment of sexual offenders;

(h) Evaluation and treatment of victims of sexual assault;

(i) Collateral sources;

(j) Co-morbidity and substance abuse issues;

(k) Relapse prevention;

(l) Education in victim empathy.

(3) Possess 500 hours of experience in the evaluation and treatment of sexual offenders.

(4) Psychiatrists who have completed accredited medical training or AMA, AOA, or ACGME programs more than five years before the effective date of this rule, and at least 10% of their active practice for at least 2 of the previous 5 years was dedicated to the treatment and evaluation of sexual offenders, shall not be required to comply with the requirements of subsections (2) or (3) of this rule in order to qualify as physicians who evaluate and treat sex offenders under this rule. This subsection of the rule shall expire on December 31, 2008.

(5) In addition, qualified practitioners must complete 20 hours of biennial continuing education in the assessment, evaluation, and treatment of sexual offenders, relapse prevention, experience and training with victims, and related legal and ethical issues.

Specific Authority 947.005(9) FS. Law Implemented 947.005 FS. History--New \_\_\_\_\_.

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: June 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 4, 2005

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.:

RULE TITLE:

64B10-16.007

Out-of-State Administrator-in-Training Programs

PURPOSE AND EFFECT: The Board proposes to eliminate two references to the word "completed" because the word is unnecessary in the context of the sentences.

SUMMARY: The proposed rule amendment eliminates the last two references to the word "completed".

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

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

SPECIFIC AUTHORITY: 468.1685(1)(2), 468.1695(2) FS.

LAW IMPLEMENTED: 468.1695(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: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.007 Out-of-State Administrator-in-Training Programs.

If an applicant has completed an AIT program outside of Florida, the Board will review the AIT program ~~completed~~ and determine whether the ~~completed~~ program fulfills the requirements of a Florida AIT program. The applicant is required to provide documentation to the Board concerning the out-of-state AIT program, the facility where the program was completed and the qualifications and training of the preceptor.

Specific Authority 468.1685(1)(2), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History--New 7-21-97, Formerly 59T-16.007, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY 64D-3.023  
 HEAD: March 4, 2005  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT 64D-3.024  
 PUBLISHED IN FAW: May 19, 2006 64D-3.025

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NOS.: RULE TITLES: 64D-3.026  
 64D-3.001 Definitions 64D-3.027  
 64D-3002 Notifiable Diseases or Conditions to 64D-3.028  
 be Reported, Human 64D-3.029  
 64D-3.003 Notification by Laboratories 64D-3.030  
 64D-3.0031 Notification by Others 64D-3.031  
 64D-3.004 Notifiable Disease Case Report 64D-3.032  
 Content 64D-3.033  
 64D-3.005 Authority, DOH County Health 64D-3.034  
 Department Director or 64D-3.035  
 Administrator and State Health 64D-3.036  
 Officer  
 64D-3.006 Reports, Medical Facilities and 64D-3.037  
 Freestanding Radiation Therapy  
 Centers  
 64D-3.007 Quarantine, Requirements  
 64D-3.0071 Public Health Emergency  
 64D-3.008 Transportation and Removal of 64D-3.038  
 Quarantined Persons and Animals 64D-3.039  
 64D-3.009 Laboratory Examinations, Release 64D-3.040  
 From Quarantine  
 64D-3.010 Quarantine Disinfection Procedures, 64D-3.041  
 Concurrent and Terminal 64D-3.042  
 64D-3.011 Control of Communicable Diseases, 64D-3.043  
 Public and Nonpublic Schools,  
 Grades Preschool and Kindergarten 64D-3.044  
 through 12; Forms and Guidelines  
 64D-3.012 Diseased Animals  
 64D-3.013 Procedures for Control of Specific 64D-3.045  
 Communicable Diseases  
 64D-3.014 Sensitive Situations 64D-3.046  
 64D-3.015 Diseases Designated as Sexually  
 Transmitted Diseases  
 64D-3.016 Reporting Requirements for  
 Practitioners for Sexually 64D-3.047  
 Transmissible Diseases (STDs), 64D-3.048  
 Including HIV and AIDS  
 64D-3.017 Reporting Requirements for  
 Laboratories  
 64D-3.018 Partner Notification  
 64D-3.109 Blood Testing of Pregnant Women  
 64D-3.020 Enforcement and Penalties  
 64D-3.021 Definitions  
 64D-3.022 Reporting Requirements for  
 Individuals

Reporting Requirements for  
 Laboratories  
 Patient Treatment and Follow-up  
 Allocation Methodology for the  
 Distribution of Funds Appropriated  
 for Tuberculosis Control  
 Execution of Certificate for  
 Involuntary Hold  
 Reporting of Congenital Anomalies  
 Definitions  
 Table of Notifiable Diseases or  
 Conditions to be Reported  
 Notification by Practitioners  
 Notification by Laboratories  
 Notification by Medical Facilities  
 Notification by Others  
 Cancer Reporting  
 Congenital Anomaly Reporting  
 Notifiable Disease Case Report  
 Content is Confidential  
 Authority of the DOH County Health  
 Department Director or  
 Administrator and State Health  
 Officer  
 Quarantine Orders and Requirements  
 Diseased Animals  
 Procedures for Control of Specific  
 Communicable Diseases  
 Epidemiological Investigations  
 STD Testing Related to Pregnancy  
 Tuberculosis Treatment and  
 Follow-up  
 Allocation Methodology for the  
 Distribution of Funds Appropriated  
 for Tuberculosis Control  
 Execution of Certificate for  
 Involuntary Hold for Tuberculosis  
 Immunization Requirements: Public  
 and Nonpublic Schools, Grades  
 Preschool, and Kindergarten  
 through 12, and Adult Education  
 Classes  
 Enforcement and Penalties  
 List of Documents Incorporated by  
 Reference

PURPOSE AND EFFECT: The purpose of this very extensive rewrite of Chapter 64D-3, F.A.C., was to reduce language redundancy, enhance communicable reporting efficiency, clarify reporting and testing requirements for health care providers and laboratories, and to comply with new statutory requirements regarding STD testing of pregnant women and reporting of HIV-exposed infants and newborns.



**SUMMARY:** The proposed rule amendments eliminate duplication and contradictory language by consolidating 29 sections into 21, reducing five (5) sections related to practitioner and laboratory reporting to two (2), standardized/reduce reporting time frames from nine (9) to three (3), establishes rules for the electronic reporting of positive laboratory reports indicating the presence of a notifiable disease, added the required reporting of HIV exposed infants and newborns to the department and established STD testing requirements during pregnancy to comply with statutory changes to Sections 384.31 and 384.25, F.S. respectively.

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

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

**SPECIFIC AUTHORITY:** 381.0011(4), 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.53(2), 392.66 FS.

**LAW IMPLEMENTED:** 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 383.06, 384.23, 384.25, 385.202, 392.53 FS.

**IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW.**

**DATE AND TIME:** Monday, July 10, 2006, 2:00 p.m. – 4:00 p.m.

**PLACE:** Betty Easley Conference Center, 4075 Esplanade Way, Room 182, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Karla Schmitt, Ph.D., M.P.H., A.R.N.P., Chief, Bureau of STD Prevention and Control, 2585 Merchant's Row Blvd., Suite 220, Tallahassee, FL 32399-1717

**THE FULL TEXT OF THE PROPOSED RULES IS:**

**CONTROL OF COMMUNICABLE DISEASES AND  
CONDITIONS WHICH MAY SIGNIFICANTLY AFFECT  
PUBLIC HEALTH**

**64D-3.001 Definitions.**

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), FS. Law Implemented 381.0011(4), 381.003(1), 381.0031, FS. History–New 12-29-77, Amended 6-7-82, Formerly 10D-3.61, Amended 7-21-96, Formerly 10D-3.061, Amended 6-4-00, Repealed.

**64D-3.002 Notifiable Diseases or Conditions to Be Reported, Human.**

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 384.23, 384.25, 385.202, 392.53 FS. History–New 12-29-77, Amended 6-7-82, 11-6-85, Formerly 10D-3.62, Amended 2-26-92, 9-7-93, 11-1-94, 7-21-96, Formerly 10D-3.062, Amended 11-2-98, 7-5-99, 6-4-00, 12-24-02, 6-9-03, Repealed.

**64D-3.003 Notification by Laboratories.**

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33 FS. Law Implemented 381.0011, 381.003, 381.0031, 384.25 FS. History–New 12-29-77, Amended 6-7-82, Formerly 10D-3.66, Amended 2-26-92, 7-21-96, Formerly 10D-3.066, Amended 11-2-98, 7-5-99, 6-4-00, 6-9-03, Repealed.

**64D-3.0031 Notification by Others.**

Specific Authority 381.0031(6) FS. Law Implemented 381.0031(2), (6) FS. History–New 6-9-03, Repealed.

**64D-3.004 Notifiable Disease Case Report Content.**

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (4), (5), 384.25, 392.53 FS. History–New 12-29-77, Amended 6-7-82, Formerly 10D-3.68, 10D-3.068, Amended 7-5-99, 6-4-00, 6-9-03, Repealed.

**64D-3.005 Authority, DOH County Health Department Director or Administrator and State Health Officer.**

Specific Authority 381.0011(4), (6), (13), 381.003(2), 384.33 FS. Law Implemented 154.04, 381.0011(4), 381.003(1), 384.28 FS. History–New 12-29-77, Amended 6-7-82, Formerly 10D-3.74, Amended 7-21-96, Formerly 10D-3.07, Repealed.

**64D-3.006 Reports, Medical Facilities and Freestanding Radiation Therapy Centers.**

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 385.202(5), 392.66 FS. Law Implemented 381.0011, 381.003, 381.0031, 384.25, 385.202, 392.53 FS. History–New 12-29-77, Amended 6-7-82, Formerly 10D-3.77, Amended 2-26-92, 7-21-96, Formerly 10D-3.077, Amended 11-2-98, 7-5-99, 6-4-00, Repealed.

**64D-3.007 Quarantine, Requirements.**

Specific Authority 381.0011(6)(a), (13), 381.003(2), 384.33 FS. Law Implemented 381.0011(6), 381.0012, 381.003(1), 381.00315(1)(b)4., 384.28 FS. History–New 12-29-77, Amended 6-7-82, Formerly 10D-3.81, Amended 7-21-96, Formerly 10D-3.081, Amended 6-4-00, 6-9-03, Repealed.

**64D-3.0071 Public Health Emergency.**

Specific Authority 381.0011(6)(a), (13), 381.003(2) FS. Law Implemented 381.0011(6), 381.0012, 381.003(1), 381.00315(1)(b)4. FS. History–New 6-9-03, Repealed.

64D-3.008 Transportation and Removal of Quarantined Persons and Animals.

Specific Authority 381.0011(4), (6)(a), (13), 381.003(2), 384.33 FS. Law Implemented 381.0011(6), 381.003(1), 384.28 FS. History—New 12-29-77, Amended 6-7-82, Formerly 10D-3.82, Amended 7-21-96, Formerly 10D-3.082, Repealed.

64D-3.009 Laboratory Examinations, Release From Quarantine.

Specific Authority 381.0011(4), (6), (13), 381.003(2) FS. Law Implemented 381.0011(6), 381.003(1) FS. History—New 12-29-77, Amended 6-7-82, Formerly 10D-3.86, 10D-3.086, Repealed.

64D-3.010 Quarantine Disinfection Procedures, Concurrent and Terminal.

Specific Authority 381.0011(4), (6), (13), 381.003(2) FS. Law Implemented 381.0011(6), 381.003(1) FS. History—New 12-29-77, Amended 6-7-82, Formerly 10D-3.87, Amended 7-21-96, Formerly 10D-3.087, Repealed.

64D-3.011 Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms and Guidelines.

Specific Authority 232.032(1), 381.0011(13), 381.003(1), (2), 381.005(2) FS. Law Implemented 232.032(1), 381.0011(4), 381.003(1), 381.005(1)(i) FS. History—New 12-29-77, Amended 6-7-82, 11-6-85, Formerly 10D-3.88, Amended 2-26-92, 9-20-94, 9-21-95, 4-7-96, Formerly 10D-3.088, Amended 7-14-99, 1-22-01, 7-23-01, 8-7-02, Repealed.

64D-3.012 Diseased Animals.

Specific Authority 381.0011(4), (6), (13), 381.003(2), 381.0031(6) FS. Law Implemented 381.0011(6), (10), 381.003(1), 381.0031(1), 823.04 FS. History—New 12-29-77, Amended 6-7-82, Formerly 10D-3.90, 10D-3.090, Amended 6-9-03, Repealed.

64D-3.013 Procedures for Control of Specific Communicable Diseases.

Specific Authority 381.0011(6), (13), 381.003(2), 381.006(16), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), (6), (8), 381.003(1), 381.0031, 384.25, 384.27 FS. History—New 12-29-77, Amended 6-14-78, 6-7-82, 11-6-85, Formerly 10D-3.91, Amended 7-5-87, 7-19-89, 2-26-92, 10-20-93, 11-1-94, 7-21-96, Formerly 10D-3.091, Amended 7-5-99, 6-4-00, 12-24-02, 6-9-03, Repealed.

64D-3.014 Sensitive Situations.

Specific Authority 381.0011(6)(a), (13), 381.003(2) FS. Law Implemented 381.0011(4), (6), 381.003(1) FS. History—New 6-7-82, Amended 11-6-85, Formerly 10D-3.93, 10D-3.093, Amended 6-4-00, Repealed.

64D-3.015 Diseases Designated as Sexually Transmissible Diseases.

Specific Authority 381.0011(13), 381.003(2), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), (8), 381.003(1), 384.23, 384.25 FS. History—New 7-5-87, Amended 9-7-93, 5-20-96, 1-1-97, Formerly 10D-3.096, Amended 7-5-99, 6-4-00, 12-24-02, Repealed.

64D-3.016 Reporting Requirements for Practitioners for Sexually Transmissible Diseases (STDs), Including HIV and AIDS.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.25(2), 384.33 FS. Law Implemented 381.0011, 381.003(1), 381.0031, 384.25 FS. History—New 7-5-87, Amended 2-7-90, 2-26-92, 5-20-96, 1-1-97, Formerly 10D-3.097, Amended 6-7-98, 7-5-99, 8-5-99, 6-4-00, 1-15-03, Repealed.

64D-3.017 Reporting Requirements for Laboratories.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), 381.003(1)(c), 381.0031, 384.25 FS. History—New 7-5-87, Amended 2-26-92, 5-20-96, 1-1-97, Formerly 10D-3.099, Amended 6-4-00, 12-24-02, Repealed.

64D-3.018 Partner Notification.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), 381.003(1)(c), 384.26 FS. History—New 7-5-87, Amended 2-7-90, 2-26-92, Formerly 10D-3.100, Amended 1-15-03, Repealed.

64D-3.019 Blood Testing of Pregnant Women.

Specific Authority 381.0011(13), 381.003(2), 384.25, 384.33 FS. Law Implemented 381.0011(4), 381.003(1)(c), 384.25, 384.26, 384.31 FS. History—New 7-5-87, Amended 2-26-92, Formerly 10D-3.101, Amended 8-5-99, 6-4-00, 12-4-02, Repealed.

64D-3.020 Enforcement and Penalties.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 384.34(4) FS. Law Implemented 381.0011, 381.003(1), 381.0031, 384.34 FS. History—New 7-5-87, Amended 5-20-96, Formerly 10D-3.102, Amended 6-4-00, Repealed.

64D-3.021 Definitions.

Specific Authority 381.0011(4), (13), 381.003(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.52, 392.53(1), 392.565 FS. History—New 7-19-89, Amended 5-20-96, Formerly 10D-3.104, Amended 9-17-98, Repealed.

64D-3.022 Reporting Requirements for Individuals.

Specific Authority 381.0011(13), 381.003(2), 392.53(2), 392.66 FS. Law Implemented 381.0011, 381.003(1)(a), 392.53, 392.64 FS. History—New 7-19-89, Amended 2-26-92, 5-20-96, Formerly 10D-3.105, Amended 9-17-98, 7-12-05, Repealed.

## 64D-3.023 Reporting Requirements for Laboratories.

Specific Authority 381.0011(13), 381.003(2), 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.53 FS. History–New 7-19-89, Amended 2-26-92, Formerly 10D-3.106, Amended 9-17-98, 7-12-05, Repealed.

## 64D-3.024 Patient Treatment and Follow-up.

Specific Authority 381.0011(13), 381.003(2), 392.64(1), 392.66 FS. Law Implemented 381.0011, 381.003(1)(a), 392.55(2), (3), 392.56(2)(b), 392.59, 392.61, 392.64(1) FS. History–New 7-19-89, Amended 2-26-92, Formerly 10D-3.109, Amended 9-17-98, 10-23-02, Repealed.

## 64D-3.025 Allocation Methodology for the Distribution of Funds Appropriated for Tuberculosis Control.

Specific Authority 381.0011(4), (13), 381.003(2), 392.61(4), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.61(4) FS. History–New 9-17-98, 4-6-00, Repealed.

## 64D-3.026 Execution of Certificate for Involuntary Hold.

Specific Authority 381.0011(4), (13), 381.003(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.55, 392.56, 392.565, 392.59, 392.62, 392.64(2) FS. History–New 9-17-98, Amended 10-3-02, Repealed.

## 64D-3.027 Reporting of Congenital Anomalies.

Specific Authority 381.0011(13), 381.0031(6) FS. Law Implemented 381.0011(7), 381.0031 FS. History–New 7-5-99, Amended 6-4-00, Repealed.

## 64D-3.028 Definitions.

When used in Chapter 64D-3, F.A.C., the following terms shall mean:

(1) “15 Digit Spoligotype (Octal Code)” – Spoligotyping (spacer oligonucleotide typing) is an amplification-based genotyping method that determines the presence or absence of 43 spacer sequences in the direct repeat region in the M. tuberculosis chromosome. The complement of spacers is initially recorded in binary code and then converted to the reportable 15 digit octal code commonly referred to as the ‘spoligotype’.

(2) “Authorized Representative” – An employee of the Department or personnel assigned to the Department by another state or federal agency supervised and approved by the Department.

(3) “BED” – The BED HIV-1 Capture EIA is the assay currently used in STARHS for performing HIV incidence surveillance. The FDA has labeled the assay for surveillance use not for diagnostic or clinical use.

(4) “Carrier” –

(a) A person who harbors pathogenic organisms of a communicable disease but who does not show clinical evidence of the disease; or

(b) A person to whom evidence points as the source of one (1) or more cases of any communicable disease but who refuses to submit clinical specimens to the Department or county health department for examination; or

(c) A person who, in the judgment of the State Health Officer or county health department director or administrator or their designee, is suspected to be a carrier and who refuses to submit to examination when ordered to do so for good cause shown by the State Health Officer or county health department director or administrator or their designee; or

(d) A person reported to the Department or the county health department to be a carrier by the health authorities of any municipality, county, or state in the United States, of any foreign nation or of any international organization of which the United States is a member; or

(e) An animal which, in the judgment of the State Health Officer or county health department director or administrator or their designee, is suspected to harbor pathogenic organisms of a communicable disease without presentation of clinical evidence of disease.

(5) “Case” – An instance of a suspected or diagnosed disease or condition in a person or animal.

(6) “Communicable Disease” – An illness due to a specific infectious agent or its toxic products which arises through transmission of that agent or its products from a reservoir to a susceptible host either directly as from an infected person or animal or indirectly, through an intermediate plant or animal host, vector or the inanimate environment.

(7) “Contact” – A person or animal that has been in such association with an infected person or animal or a contaminated environment as to have had opportunity to acquire the infection. This will include household members or persons who frequent the dwelling of the case or carrier. For sexually transmitted diseases contact means a sex/needle sharing partner.

(8) “County Health Department” – A public health department created under Part I, Chapter 154, F.S.

(9) “Department” – The State of Florida, Department of Health.

(10) “Electronic Data Transfer” – The sending and receiving of messages via standard electronic formats and established file transfer protocols, which contain data elements that would normally be contained on a typical business document or form.

(11) “Enteric Disease” – An infection or condition transmitted by ingestion of such agents as Campylobacter jejuni, Cyclospora cayetanensis, Cryptosporidium parvum, Escherichia coli O157:H7 and other pathogenic E. coli, hepatitis A, Giardia lamblia, Salmonella species, Shigella species and Vibrio cholerae.

(12) "Epidemic or Outbreak" – The occurrence in persons in a community, institution, region or other defined area of one or more cases of an illness of similar nature clearly in excess of normal expectancy.

(13) "Epidemiological Investigations" – An inquiry into the incidence, distribution and source of diseases or conditions to determine its cause, means of prevention or control, and efficacy of control measures.

(14) "Epizootic" – The occurrence in animals in a community, institution, region or other defined area of a group of cases of an illness of similar nature in excess of normal expectancy.

(15) "Exposure to Rabies" – Any bite, scratch or other situation in which saliva or nervous tissue of a potentially rabid animal enters an open or fresh wound, or comes in contact with mucous membranes by entering the eye, mouth or nose of another animal or person.

(16) "Health Authorities" – The State Health Officer or any local county health department director or administrator or their designee; any chief health official of any municipality, county, or state in the United States, of any foreign nation or of any international organization of which the United States is a member.

(17) Health Level 7(HL7) – An industry standard for electronic data exchange between healthcare entities.

(18) "Human Immunodeficiency Virus (HIV) Exposed Newborn" – A neonate born to an HIV infected woman.

(19) "Practical Method of Quarantine" – A location where a person infected with or exposed to an infectious agent that threatens public health will have food, clothing and shelter as necessary while separated and restricted from contact with people who have not been infected with that disease or immunized against that infection.

(20) "Probable" – A case that meets the clinical criteria for a communicable disease and the epidemiologic criteria for likely exposure to the infectious agent but is unable to be confirmed.

(21) "Sensitive Situation" – A setting in which the presence of a case would increase significantly the probability of spread of the diagnosed or suspected disease or condition and would, therefore, constitute a public health hazard. Examples of such settings are: schools, child-care facilities, hospitals and other patient-care facilities, food storage, food processing establishments or food outlets.

(22) "Sexually Transmissible Disease" – Acquired Immune Deficiency Syndrome (AIDS), Chancroid, Chlamydia trachomatis, Gonorrhea, Granuloma Inguinale, Hepatitis A through D, Herpes simplex virus (HSV), Human Immunodeficiency Virus Infection (HIV), Human papillomavirus (HPV), Lymphogranuloma Venereum (LGV), and Syphilis.

(23) "Source of Infection" – The person, animal, object or substance from which an infectious agent passes directly or indirectly to the host.

(24) "STARHS" – Serologic Testing Algorithm for Recent HIV Seroconversion – A surveillance test performed on confirmed HIV positive specimens using the BED assay, approved by the Food and Drug Administration for surveillance purposes.

(25) "Suspect" or "Suspect Case" – A person or animal whose medical history and symptoms suggest the imminent development of a notifiable or other communicable disease or condition, or a person or animal with disease not yet diagnosed.

(26) "Terminal Disinfection" – Cleaning procedures designed to eradicate infectious agents or unsafe conditions from the physical environment.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6) FS. Law Implemented 381.0011(4), 381.003(1), 381.0031 FS. History–New \_\_\_\_\_.

#### 64D-3.029 Diseases or Conditions to be Reported.

(1) Diseases or conditions listed in subsection (3) below are of public health significance identified by the Department as of the date of these rules which must be reported by the practitioner, hospital, laboratory, or other individuals via telephone (with subsequent written report within 72 hours, see Rules 64D-3.030-.033, F.A.C.), facsimile, electronic data transfer, or other confidential means of communication to the County Health Department having jurisdiction for the area in which the office of the reporting practitioner, hospital, laboratory or patient's residence is located consistent with the specific section and time frames in subsection (3) below relevant to the practitioners, hospitals and laboratories, respectively. This list, by definition, is incomplete. Reporters must use their own professional judgment in cooperation with the Department in supplementing this list.

(2) Definitions to be used with subsection (3) below:

(a) "Notifiable Diseases or Conditions" – For case definitions thereof, see subsections 64D-3.048(3) and (4), F.A.C., and the footnotes to subsection (3).

(b) "Suspect Immediately" and "Immediately" – Report without delay upon the occurrence of any of the following: Initial suspicion, receipt of a specimen with an accompanying request for an indicative or confirmatory test, findings indicative thereof, or diagnosis. Reports that cannot timely be made during the County Health Department business day shall be made to the County Health Department after-hours duty official. If unable to do so, the reporter shall contact the Florida Department of Health after hours duty official at (850)245-4401.

(c) "Next Business Day" – Report before the closure of the County Health Department's next business day following suspicion or diagnosis.

(d) "Other" – Report consistent with the instruction in and footnotes to subsection (3) below.

(3) "Table of Notifiable Disease or Conditions to be Reported"

Practitioner Reporting					Laboratory Reporting					
Notifiable Diseases or Conditions	Timeframes			Other	Evidence of current or recent infection with etiological agents	Submit isolates or specimens for confirmation*1	Timeframes			Other
	Immediately Suspect	Immediately	Next Business Day				Immediately	Next Business Day	Other	
Acquired Immune Deficiency Syndrome (AIDS)		—		2 Weeks	Not Applicable					
Anthrax	X	X			Bacillus anthracis	X	X	X		
Botulism, foodborne	X	X			Clostridium botulinum or botulinum toxin	X	X	X		
Botulism, infant			X		Clostridium botulinum or botulinum toxin	X			X	
Botulism, other (includes wound and unspecified)	X	X			Clostridium botulinum or botulinum toxin	X	X	X		
Brucellosis	X	X			Brucella abortus, B. melitensis, B. suis, B. canis	X	X	X		
California serogroup virus neuroinvasive and non-neuroinvasive disease			X		California encephalitis virus, Jamestown Canyon, Keystone, Lacrosse, snowshoe hare, trivittatus				X	
Campylobacteriosis			X		Campylobacter species				X	
Cancer (except non-melanoma skin cancer, and including benign and borderline intracranial and CNS tumors)*2		—		6 Months	Pathological or tissue diagnosis of cancer (except non-melanoma skin cancer and including benign and borderline intracranial and CNS tumors).					6 Months
CD-4	Not Applicable				CD-4 absolute count and percentage of total lymphocytes*3					3 days
Chancroid			X		Haemophilus ducreyi				X	
Chlamydia			X		Chlamydia trachomatis				X	
Chlamydia in pregnant women and neonates			X		Chlamydia trachomatis				X	
Chlamydia in children < 12 years of age*4			X		Chlamydia trachomatis				X	
Cholera	X	X			Vibrio cholerae	X	X	X		
Ciguatera fish poisoning (Ciguatera)			X		Not Applicable					
Clostridium perfringens, epsilon toxin (disease due to)			X		Clostridium perfringens, epsilon toxin				X	
Congenital Anomalies*5				6 Months	Not Applicable					
Conjunctivitis in neonates < 14 days old			X		Not Applicable					
Creutzfeld-Jakob disease (CJD)*6			X		14-3-3 protein from CSF or any brain pathology suggestive of CJD*6				X	
Cryptosporidiosis -			X		Cryptosporidium parvum				X	
Cyclosporiasis			X		Cyclospora cayetanensis	X			X	
Dengue			X		Dengue virus				X	
Diphtheria -	X	X			Corynebacterium diphtheriae	X	X	X		

<u>Eastern equine encephalitis virus neuroinvasive and non-neuroinvasive disease</u>	---	-	X		<u>Eastern equine encephalitis virus</u>	X			X	---
<u>Ehrlichiosis, human granulocytic (HGE)</u>			X		<u>Ehrlichia phagocytophilia.</u>				X	
<u>Ehrlichiosis, human monocytic (HME)</u>			X		<u>Ehrlichia chaffeensis</u>				X	
<u>Ehrlichiosis, human other or unspecified agent-</u>			X		<u>Ehrlichia species other</u>				X	
<u>Encephalitis, other (non-arboviral)</u>			X		<u>Isolation from or demonstration in brain or central nervous system tissue or cerebrospinal fluid, of any pathogenic virus</u>				X	
<u>Enteric disease due to Escherichia coli O157:H7</u>		X			<u>Escherichia coli O157:H7</u>	X			X	
<u>Enteric disease due to other pathogenic Escherichia coli*7</u>		X			<u>Escherichia coli*7</u>				X	
<u>Giardiasis (acute)</u>			X		<u>Giardia species</u>				X	
<u>Glanders -</u>	X	X			<u>Burkholderia mallei.</u>	X	X	X		
<u>Gonorrhea</u>			X		<u>Neisseria gonorrhoeae</u>				X	
<u>Gonorrhea in children &lt; 12 years of age*4</u>			X		<u>Neisseria gonorrhoeae</u>				X	
<u>Gonorrhea in pregnant women and neonates</u>			X		<u>Neisseria gonorrhoeae</u>				X	
<u>Gonorrhea (Antibiotic Resistant)</u>			X		<u>Neisseria gonorrhoeae*8</u>				X	
<u>Graunuloma Inguinale</u>			X		<u>Calymmatobacterium granulomatis</u>				X	
<u>Haemophilus influenzae, meningitis and invasive disease</u>	X	X			<u>Haemophilus influenzae</u>	X	X	X		
<u>Hansen's disease (Leprosy)</u>			X		<u>Mycobacterium leprae</u>				X	
<u>Hantavirus infection</u>		X			<u>Hantavirus</u>	X			X	
<u>Hemolytic uremic syndrome</u>	---	X	---		<u>Not Applicable</u>					---
<u>Hepatitis A, B, C, D, E and G</u>			X		<u>Hepatitis A, B, C, D, E and G Virus</u>				X	
<u>Hepatitis B surface antigen (HBsAg)-positive in a pregnant woman or a child up to 24 months old</u>			X		<u>Hepatitis B surface antigen (HBsAg)</u>				X	
<u>Herpes simplex virus (HSV) in infants up to six (6) months of age with disseminated infection with involvement of liver, encephalitis and infections limited to skin, eyes and mouth*9</u>			X		<u>HSV 1 or HSV 2 by direct FA, PCR, DNA or Culture*9</u>				X	
<u>HSV – anogenital in children &lt; 12 years of age*4*9</u>			X		<u>HSV 1 or HSV 2 by direct FA, PCR, DNA or Culture*9</u>				X	
<u>Human Immunodeficiency Virus (HIV)</u>		-		2 Weeks	<u>Repeatedly reactive enzyme immunoassay, followed by a positive confirmatory tests, (e.g. Western Blot, IFA); Positive result on any HIV virologic test (e.g. p24 AG, Nucleic Acid Test (NAT/NAAT) or viral culture). All viral load (detectable and undetectable) test results.*10</u>					3 days
<u>Human Immunodeficiency Virus (HIV) Exposed Newborn – a neonate born to an HIV infected woman</u>	---		X	---	<u>Not Applicable</u>					

<u>Human papilloma virus (HPV) associated laryngeal papillomas or recurrent respiratory papillomatosis in children &lt;6 years of age*4</u>			X	<u>HPV DNA</u>				X	
<u>HPV – anogenital in children &lt;12 years of age*4</u>			X	<u>HPV DNA</u>				X	
<u>HPV cancer associated strains*11</u>			X	<u>DNA typing of HPV strains 16, 18, 31, 33, 35, 36, 45 Abnormal cytologies consistent with Bethesda 2001 Terminology*12</u>				X	
<u>Influenza due to novel or pandemic strains</u>	X	X		<u>Isolation of influenza virus from humans of a novel or pandemic strain</u>	X	X	X		
<u>Influenza-associated pediatric mortality in persons aged &lt; 18 years</u>		X		<u>Influenza virus – associated pediatric mortality in persons aged &lt;18 years (if known)</u>	X		X		
<u>Lead poisoning*13</u>			X	<u>All blood lead tests with detectable blood lead values*13</u>				X	
<u>Legionellosis</u>			X	<u>Legionella species</u>				X	=====
<u>Leptospirosis</u>			X	<u>Leptospira interrogans</u>				X	
<u>Listeriosis</u>		X		<u>Listeria monocytogenes</u>			X		
<u>Lyme disease</u>			X	<u>Borrelia burgdorferi</u>				X	
<u>Lymphogranuloma Venereum (LGV)</u>			X	<u>Chlamydia trachomatis</u>				X	
<u>Malaria</u>	---		X	<u>Plasmodium falciparum, P. vivax, P. ovale, P. malariae</u>	X			X	
<u>Measles (Rubeola)</u>	X	X		<u>Measles virus</u>	X	X	X		
<u>Meloidosis</u>	X	X	---	<u>Burkholderia pseudomallei</u>	X	X	X		
<u>Meningitis, bacterial, cryptococcal and mycotic (other than meningococcal or H. influenzae or pneumococcal)</u>			X	<u>Isolation or demonstration of any bacterial or fungal species in cerebrospinal fluid</u>				X	
<u>Meningococcal Disease, includes meningitis and meningococemia</u>	X	X		<u>Neisseria meningitidis (serogroup needed)</u>	X	X	X		
<u>Mercury poisoning*14</u>			X	<u>Laboratory results as specified in the surveillance case definition for mercury poisoning*14</u>				X	
<u>Mumps</u>			X	<u>Mumps virus</u>				X	
<u>Neurotoxic shellfish poisoning</u>		X		<u>Laboratory results as specified in the surveillance case definition</u>				X	
<u>Pertussis</u>		X	---	<u>Bordetella pertussis</u>			X		
<u>Pesticide-related illness and injury</u>			X	<u>Laboratory results as specified in the surveillance case definition for pesticide related illness and injury</u>				X	
<u>Plague</u>	X	X		<u>Yersinia pestis</u>	X	X	X		
<u>Poliomyelitis</u>	X	X		<u>Poliovirus</u>	X	X	X		
<u>Psittacosis (Ornithosis)</u>	---	-	X	<u>Chlamydophila psittaci (formerly known as Chlamydia psittaci)</u>	X			X	
<u>Q Fever</u>	---		X	<u>Coxiella burnetii</u>	X			X	
<u>Rabies, animal</u>		X		<u>Rabiesvirus</u>		X	X		=====
<u>Rabies, human</u>		X		<u>Rabiesvirus</u>		X	X		=====
<u>Rabies, possible exposure*15</u>	X	X		<u>Not Applicable</u>					
<u>Ricin toxicity</u>	X	X		<u>Ricin toxin (from Ricinus communis castor beans)</u>	X	X	X		
<u>Rocky Mountain spotted fever</u>	---	-	X	<u>Rickettsia rickettsii</u>				X	=====
<u>Rubella, including congenital</u>	X	X		<u>Rubella virus</u>	X	X	X		
<u>St. Louis encephalitis (SLE) virus neuroinvasive and non-neuroinvasive disease</u>	---	-	X	<u>St. Louis encephalitis virus</u>	X			X	

<u>Salmonellosis</u>			<u>X</u>	<u>Salmonella species by species serogroup and serotype</u>				<u>X</u>	
<u>Saxitoxin poisoning including Paralytic shellfish poisoning (PSP)</u>	—	—	<u>X</u>	<u>Saxitoxin</u>	—	—		<u>X=</u>	
<u>Severe Acute Respiratory Syndrome-associated Coronavirus (SARS-CoV) disease</u>	<u>X</u>	<u>X</u>		<u>SARS-associated Coronavirus (SARS-CoV)</u>	<u>X</u>	<u>X</u>	<u>X</u>		
<u>Shigellosis</u>			<u>X</u>	<u>Shigella species by species serogroup</u>				<u>X</u>	
<u>Smallpox</u>	<u>X</u>	<u>X</u>		<u>Variola virus (orthopox virus)</u>	<u>X</u>	<u>X</u>	<u>X</u>		
<u>Staphylococcus aureus with intermediate or full resistance to vancomycin*16 (VISA, VRSA)</u>			<u>X</u>	<u>Staphylococcus aureus with intermediate or full resistance to vancomycin*16 (VISA, VRSA)</u>	<u>X</u>		<u>X</u>		
<u>Staphylococcus enterotoxin B</u>			<u>X</u>	<u>Staphylococcus enterotoxin B</u>	<u>X</u>		<u>X</u>		
<u>Streptococcal disease, invasive, Group A</u>			<u>X</u>	<u>Streptococcus pyogenes, Group A, isolated from a normally sterile site (does not include throat specimens)</u>				<u>X</u>	
<u>Streptococcus pneumoniae, invasive disease</u>			<u>X</u>	<u>Streptococcus pneumoniae isolated from a normally sterile site</u>				<u>X</u>	
<u>Streptococcus pneumoniae, invasive disease in children &lt; 5 years, drug sensitive</u>			<u>X</u>	<u>Streptococcus pneumoniae isolated from a normally sterile site</u>				<u>X</u>	
<u>Syphilis</u>			<u>X</u>	<u>Treponema pallidum</u>				<u>X</u>	
<u>Syphilis in pregnant women and neonates</u>		<u>X</u>		<u>Treponema pallidum</u>			<u>X</u>		
<u>Tetanus</u>			<u>X</u>	<u>Clostridium tetani</u>				<u>X</u>	=====
<u>Toxoplasmosis, acute</u>			<u>X</u>	<u>Toxoplasma gondii</u>				<u>X</u>	=====
<u>Trichinellosis (Trichinosis)</u>			<u>X</u>	<u>Trichinella spiralis</u>				<u>X</u>	
<u>Tuberculosis (TB)*17</u>			<u>X</u>	<u>Mycobacterium tuberculosis complex*17</u>				<u>X</u>	
<u>Tularemia</u>	<u>X</u>	<u>X</u>		<u>Francisella tularensis</u>	<u>X</u>	<u>X</u>	<u>X</u>		
<u>Typhoid fever</u>			<u>X</u>	<u>Salmonella typhi</u>	<u>X</u>		<u>X</u>		
<u>Typhus fever (epidemic)</u>	<u>X</u>	<u>X</u>		<u>Rickettsia prowazekii</u>	<u>X</u>	<u>X</u>	<u>X</u>		
<u>Typhus fever (endemic)</u>			<u>X</u>	<u>Rickettsia typhi, R. felis</u>				<u>X</u>	
<u>Vaccinia disease</u>	<u>X</u>	<u>X</u>		<u>Vaccinia virus</u>	<u>X</u>	<u>X</u>	<u>X</u>		
<u>Varicella (ChickenPox)*18</u>			<u>X</u>	<u>Varicella virus</u>				<u>X</u>	
<u>Varicella mortality</u>			<u>X</u>	<u>Varicella virus</u>				<u>X</u>	
<u>Venezuelan equine encephalitis virus neuroinvasive and non-neuroinvasive</u>	<u>X</u>	<u>X</u>		<u>Venezuelan equine encephalitis virus</u>	<u>X</u>	<u>X</u>	<u>X</u>		
<u>Vibriosis (Vibrio infections, other than Cholera)</u>			<u>X</u>	<u>All non-cholera Vibrio species including, V. alginolyticus, V. damsela, V. fluvialis, V. furnissii, V. hollisae, V. mimicus, V. parahaemolyticus, V. vulnificus</u>	<u>X</u>			<u>X</u>	
<u>Viral hemorrhagic fevers</u>	<u>X</u>	<u>X</u>		<u>Ebola, Marburg, Lassa, Machupo viruses</u>	<u>X</u>	<u>X</u>	<u>X</u>		=====
<u>West Nile virus neuroinvasive and non-neuroinvasive disease</u>			<u>X</u>	<u>West Nile virus</u>	<u>X</u>			<u>X</u>	
<u>Western equine encephalitis virus neuroinvasive and non-neuroinvasive disease</u>	—	—	<u>X</u>	<u>Western equine encephalitis virus</u>	<u>X</u>			<u>X</u>	
<u>Yellow fever</u>	<u>X</u>	<u>X</u>		<u>Yellow fever virus</u>	<u>X</u>		<u>X</u>		



<u>Any disease outbreak in a community, hospital or other institution or a foodborne or waterborne outbreak</u>	<u>X</u>	<u>X</u>			<u>Any grouping or clustering of patients having similar etiological agents that may indicate the presence of a disease outbreak</u>		<u>X</u>	<u>X</u>		
<u>Any grouping or clustering of patients having similar disease, symptoms or syndromes that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism.</u>	<u>X</u>	<u>X</u>			<u>Any grouping or clustering of patients having similar etiological agents that may indicate the presence of a disease outbreak including those of biological agents associated with terrorism.</u>		<u>X</u>	<u>X</u>		

\*1 – Submission of isolates or specimens for confirmation:

- a. Each laboratory that obtains a human isolate or a specimen from a patient shall send specimens (such as isolates, serums, slides or diagnostic preparations) to the Florida Department of Health, Bureau of Laboratories. Contact 1(866)352-5227 for the address of your regional laboratory, which will maintain a record indicating the date that these specimens were submitted to the laboratory.
- b. Persons submitting specimens for reportable laboratory tests to the Florida Department of Health Laboratories, pursuant to subsection 64D-3.031(3), F.A.C., are required to supply the laboratories with sufficient information to comply with the provisions of this section.

\*2 – Notification within six months of diagnosis and within six months of each treatment.

Exceptions are located in Rule 64D-3.034, F.A.C.

\*3 – All CD4s, with or without confirmed HIV infection.

\*4 – Child abuse should be considered by a practitioner upon collection of a specimen for laboratory testing in any person 12 years of age or under, excluding neonates. Reporting of a STD case to a county health department does not relieve the practitioner of their mandatory reporting responsibilities regarding child abuse pursuant to Section 39.201, F.S.

\*5 – Exceptions are located in Rule 64D-3.035, F.A.C.

\*6 – Practitioners should contact the Department of Health, Bureau of Epidemiology at (850)245-4401 to arrange appropriate autopsy and specimen collection.

\*7 – Non-O:157:H7, including enterotoxigenic, enteroinvasive, enteropathogenic, enterohemorrhagic, enteroaggregative strains and shiga toxin positive strains.

\*8 – Special reporting requirements for Antibiotic Resistant Neisseria gonorrhoeae:

- a. Report susceptibility test results (zone sizes for disk diffusion; MICs for E-test or agar dilution) for the following antibiotics: Azithromycin, Cefixime, Ceftriaxone, Ciprofloxacin, Erythromycin, Ofloxacin, Penicillin, Spectinomycin, and Tetracycline.

\*9 – A 4-fold titer rise in paired sera by various serological tests confirmatory of primary infection; presence of herpes-specific IgM suggestive but not conclusive evidence of primary infection.

\*10 – Special requirements for STARHS (Serologic Testing Algorithm for Recent HIV Seroconversion):

a. Each laboratory that reports a confirmed positive HIV test in persons 13 years of age and older must also report a serologic testing algorithm for recent HIV seroconversion (STARHS) test result.

b. In lieu of producing this test result, each laboratory that reports a confirmed positive HIV test must submit a sample for additional testing using STARHS (Serologic Testing Algorithm for Recent HIV Seroconversion). The laboratory is permitted to send the remaining blood specimen or an aliquot of at least 0.5 ml to the Florida Department of Health, Bureau of Laboratories, 1217 Pearl Street, Jacksonville, Florida 32202-3926 or Florida Department of Health, Miami Branch Laboratory, 1325 NW 14th Avenue, Miami, Florida 33125-1614.

c. Laboratories electing to send a blood specimen will contact the Florida Department of Health, Bureau of Laboratories at (904)791-1500 or (305)324-2432 to receive specimen maintenance and shipping instructions.

d. Nationally based laboratories with an existing contract to ship specimens directly to a STARHS laboratory designated by the National Centers for Disease Control and Prevention will not be required to send a specimen to the Florida Department of Health Laboratory.

\*11 – Practitioners need only to report the presence of cancer associated strains, not abnormal cytologies to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1712, (850)245-4303.

\*12 – Special reporting requirements for abnormal cytologies:

a. Report only classifications consistent with Bethesda 2001 Terminology of ASC-US, ASC-H, HSIL, LSIL, CIN 1, CIN 2, CIN 3 and AGC to the Florida Department of Health, Bureau of STD Prevention and Control, 4052 Bald Cypress Way, Bin A-19, Tallahassee, Florida 32399-1712, (850)245-4303.

b. All such reports must be received by the Department electronically in HL-7 format.

\*13 – Special reporting requirements for reporting blood lead tests:

a. All blood lead tests are considered evidence of a suspected case and are to be reported to the Florida Department of Health, Bureau of Community Environmental Health, Childhood Lead Poisoning Prevention Program, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1712, (850)245-4277.

b. All such reports must be received by the Department electronically.

\*14 – >20 micrograms per liter of urine, > 20 micrograms per liter of blood or > 5 micrograms per gram of hair.

\*15 – Includes a bite or other significant exposure to a human or domestic animal (including all pets and livestock) by an animal:

a. That results in rabies prophylaxis for the person exposed, rabies testing and/or quarantine of the animal causing the exposure; or

b. That is capable of transmitting herpes B viruses (includes exposures from nonhuman primates.

\*16 – Glycopeptide (vancomycin) intermediate (GISA/VISA, MIC: 8-16 ug/ml) and glycopeptide (vancomycin) resistant (GRSA/VRSA, MIC: >32 ug/ml).

\*17 – Special reporting requirements for Tuberculosis:

a. Test results must also be submitted by laboratories to the Department of Health, Bureau of Tuberculosis and Refugee Health, 4052 Bald Cypress Way, Bin A20, Tallahassee, Florida 32399-1717, (850)245-4350;

b. The 15-digit spoligotype (octal code) must be reported. If the spoligotyping is not available, the isolate must be submitted to the Department of Health, Bureau of Laboratories, 1217 Pearle Street, Jacksonville, Florida 32202-3926, (904)791-1500. The Department will provide the mailing materials and pay mailing costs.

\*18 – Special reporting requirements for Varicella (chickenpox) – Besides the information required to be reported in subsection 64D-3.030(3), F.A.C., practitioners shall also provide either a history of symptoms or vaccination.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 383.06, 384.23, 384.25, 385.202, 392.53 FS. History–New \_\_\_\_\_.

64D-3.030 Notification by Practitioners.

(1) Each practitioner licensed under Chapters 458, 459, 460, 462, 464, 467 and 474 F.S., and medical examiner appointed pursuant to Chapter 406, F.S., who diagnoses, treats or suspects a case, or who suspects an occurrence of a disease or condition listed in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C., including in persons who at the time of death were so affected, shall report or cause to be reported all such diagnoses or suspicions per this rule.

Reporting of specimen results by a laboratory to a county health department director, administrator or designee does not nullify the practitioner’s obligation to report said disease or condition.

(2) Any request for laboratory test identification shall be considered a suspicion of disease. However, practitioners need only to report suspected cases if indicated in the “suspect immediately” column under practitioners in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C.

(3) Any report of a notifiable disease or condition required by this rule, except for cancer, congenital anomalies and HIV/AIDS, shall be reported on the Florida Department of Health Disease Report Form (DOH Form # 2136, 3/06), see subsection 64D-3.048(5), F.A.C., or on a form supplied by the provider that includes the following:

(a) The patient’s:

1. First and last name, including middle initial;

2. Address, including city, state and zip code;

3. Telephone number, including area code;

4. Date of birth;

5. Sex;

6. Race;

7. Ethnicity (specify if of Hispanic descent or not of Hispanic descent);

8. Pregnancy status if applicable;

9. Social Security number;

10. Third party payer information;

11. Date of onset of symptoms;

12. Diagnosis.

(b) Type of diagnostic tests (for example culture, IgM, serology, Mantoux TB skin test, nucleic acid amplification test or Western Blot);

(c) Type of specimen (for example stool, urine, blood, mucus, etc.);

(d) Date of specimen collection;

(e) Site (for example cervix, eye, etc., if applicable);

(f) Diagnostic test results;

(g) For Tuberculosis, the 15-digit spoligotype (octal code) must be reported;

(h) Treatment given;

(i) Name, address and telephone number of the attending practitioner;

(j) Other necessary epidemiological information requested by the county health department director or administrator or their designee.

(4) The practitioner who first authorizes, orders, requests or submits a specimen to a licensed laboratory for testing for any agent listed in Rule 64D-3.029, F.A.C., is responsible for obtaining and providing the information required by subparagraphs 64D-3.031(3)(a)1.-10., F.A.C., at the time the specimen is sent to or received by the laboratory.

(5) Special reporting requirements for HIV and AIDS:

(a) All cases of HIV or AIDS, which meet the Centers for Disease Control and Prevention (CDC) case definitions set forth in CDC Guidelines for National Human Immunodeficiency Virus Case Surveillance, Including Monitoring for Human Immunodeficiency Virus Infection and Acquired Immunodeficiency Syndrome, see subsection 64D-3.048(6), shall be reported on the Adult (CDC 50.42A), see subsection 64D-3.048(7), F.A.C., or Pediatric (CDC 50.42B), see subsection 64D-3.048(8), F.A.C., HIV/AIDS Confidential Case Report along with the Department of Health Addendum for Adult HIV/AIDS Confidential Case Report, DH 2134, see subsection 64D-3.048(9), F.A.C.

(b) An HIV exposed neonate born to an HIV infected woman shall be reported on the Pediatric HIV/AIDS Confidential Case Report form, CDC 50.42B, see subsection 64D-3.048(8), F.A.C.

(7) Each practitioner who makes a diagnosis of or treats any notifiable disease or condition shall make their patient medical records for such diseases or conditions available for on-site inspection by the Department or its authorized representatives.

Specific Authority 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 383.06, 384.25(1), 384.33, 392.53(1), 392.66 FS, Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (2), (6), 384.23, 384.25, 385.202, 392.53 FS. History—New \_\_\_\_\_.

#### 64D-3.031 Notification by Laboratories.

(1) Each person or designee who is in charge of a public, federal, private, military or hospital laboratory responsible for receiving the initial order to perform serologic, immunologic, microscopic, biochemical, molecular or cultural tests on specimens derived from a human body or an animal or for collecting the specimen shall report or cause to be reported any laboratory test suggestive of or diagnostic of diseases or conditions listed in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C., per this rule.

(2) Receipt of a laboratory test order requesting the identification of reportable agents shall be considered by the laboratory as an indication of suspected diagnosis. However, laboratories need only to report suspected cases if indicated in the “suspect immediately” column under laboratories in the Table of Notifiable Diseases or Conditions, Rule 64D-3.029, F.A.C.

(3) To allow follow-up of laboratory findings suggestive of or diagnostic of diseases or conditions in the Table of Notifiable Diseases or Conditions, the form upon which the information will be reported shall be furnished by the laboratory that includes the following information:

#### (a) The Patient’s:

1. First and last name, including middle initial;
2. Address including street city, state and zip code;
3. Phone number, including area code;
4. Date of birth;

#### 5. Sex;

#### 6. Race;

7. Ethnicity (specify if of Hispanic descent or not of Hispanic descent);

#### 8. Pregnancy status if applicable;

#### 9. Social Security number;

#### 10. Third party payer information.

#### (b) The Laboratory:

1. Name, address and telephone number of laboratory performing test;

2. Type of specimen (for example stool, urine, blood, mucus, etc.);

#### 3. Date of specimen collection;

#### 4. Site (for example cervix, eye, etc., if applicable);

#### 5. Date of report;

6. Type of tests performed and results, including reference range, titer when quantitative procedures are performed, and including all available results on speciating, grouping or typing of organisms;

7. Submitting provider’s name, address including street, city, zip code and telephone number, including area code.

(4) Laboratories located out of state, licensed under Part 1, Chapter 483, F.S., who collect specimens in Florida or who receive the initial order for testing from a practitioner, blood bank, plasmapheresis center or other health care provider located in Florida, shall report positive findings to the county health department director or administrator or their designee having jurisdiction for the area in which the office of the submitting practitioner or patient’s residence is located in the same way as if the findings had been made by a laboratory located in Florida.

(5) Upon the Department’s implementation of its Electronic Laboratory Reporting System (ELR) for laboratory findings suggestive of or diagnostic of diseases or conditions, reports will be submitted electronically to the Department using Health Level Seven (HL7) version 2.3.1 format, see subsection 64D-3.048(10), F.A.C.

#### (a) The Department’s ELR System shall include:

1. The initial contact with the reporting laboratory;
2. A content review and testing of the laboratories’ HL7 transmissions; and
3. The transition from testing to production for the HL7 laboratory transmissions.

(b) The Department and laboratory will agree on a date of implementation.

(c) Laboratories reporting electronically through ELR and the Department shall agree to a date that the transmission of findings suggestive of or diagnostic of diseases or conditions listed in the Table of Notifiable Disease or Conditions, Rule 64D-3.029, F.A.C., electronically in HL7 version 2.3.1 format

to the Department is acceptable and considered good faith reporting and the laboratory will no longer be required to submit paper forms pursuant to subsection 64D-3.031(3), F.A.C.

(d) The Department shall ensure access to the laboratory findings suggestive of or diagnostic of disease or conditions listed in the Table of Notifiable Diseases or Conditions to authorized representatives of the department.

(6) This section does not prohibit a laboratory from making a report by telephone, in writing, or facsimile to the county health department having jurisdiction for the area in which the office of the submitting practitioner or the patient's residence is located.

(7) In order to study disease incidence, each laboratory licensed to perform tests for any notifiable disease or condition shall report the test volume for each related diagnostic test performed for the notifiable diseases listed in Rule 64D-3.029, F.A.C.

(a) Reports are to be filed annually on or before April 1 of each year to the Department electronically in a HL7 version 2.3.1 format with the following information:

1. Type of diagnostic test;
2. Patient's date of birth;
3. Patient's sex;
4. Race;
5. Ethnicity (specify if of Hispanic descent or not of Hispanic descent).

(8) Each laboratory licensed to perform tests for any reportable disease or condition shall make its records for such diseases or conditions available for on-site inspection by the Department or its authorized representatives.

Specific Authority 381.0011(7), 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 384.33, 392.66 FS. Law Implemented 381.0011, 381.003, 381.0031, 384.25(1), 392.53(1) FS. History--New \_\_\_\_\_.

#### 64D-3.032 Notification by Medical Facilities.

(1) The chief administrative officer of each facility licensed under Chapter 395, F.S., or freestanding radiation therapy centers, as defined in Section 408.07(20), F.S., and each Department of Defense or Veterans Administration (VA) facility located in Florida, shall either personally or by appointing an individual from the staff, hereinafter referred to as "reporting individual," report all cases or suspect cases of diseases or positive laboratory finding indicating the presence of a disease or condition listed in Rule 64D-3.029, F.A.C., in all persons admitted to, attended to, or residing in the facility per this rule.

(2) Reporting of a case or suspected case of disease or condition or positive laboratory findings by a facility or center fulfills the requirements of the licensed practitioner and laboratory director to report. It remains the responsibility of the practitioner or laboratory director to ensure that the report is made as stipulated in Rule 64D-3.029, F.A.C.

(3) Each facility that reports a notifiable disease or condition or a positive laboratory finding indicating the presence of a notifiable disease shall make its records for such diseases or conditions available for on-site inspection by the Department or its authorized representatives.

Specific Authority 381.0011(13), 381.003(2), 381.0031(5), 381.0031(6), 383.06, 384.33, 385.202(5), 392.66 FS. Law Implemented 381.0011, 381.003, 381.0031, 384.25, 385.202, 392.53 FS. History--New \_\_\_\_\_.

#### 64D-3.033 Notification by Others.

(1) In addition to the individuals required to report under Section 381.0031, F.S., the following persons are required to report suspected rabies exposure to humans as well as conditions that they diagnose or suspect in animals pursuant to subsection 64D-3.039(2), F.A.C.

(a) Animal control officers operating under Section 828.27, F.S.:

(b) Employees or agents of a public or private agency, animal shelter, or other facility that is operated for the collection and care of stray, neglected, abandoned, or unwanted animals;

(c) Animal disease laboratories licensed under Section 585.61, F.S.:

(d) Wildlife officers operating under Section 372.07, F.S.:

(e) Wildlife rehabilitators permitted by the Fish and Wildlife Conservation Commission under Rule 68A-9.008, F.A.C.; and

(f) Florida state park personnel operating under Section 258.007, F.S.

(2) Reports are to be submitted to the county health department having jurisdiction for the area in which the event occurred.

(3) Reports are to be submitted within time frames and by means as specified in subsections 64D-3.029(1) and (3), F.A.C.

(4) Reports shall include as much of the following as is available to the reporter:

(a) The animal's:

1. Name;
2. Species;
3. Breed;
4. Sex;
5. Color;
6. Age;
7. Rabies vaccination status;
8. Date of onset of signs;
9. Signs;
10. Ownership status (Owned/feral/wild).

(b) If the animal is owned, the animal owner's:

1. First and last name, including middle initial;
2. Address, including street, city, state and zip code;
3. Telephone number, including area code.

- (c) Where relevant, the exposed person's:
1. First and last name, including middle initial;
  2. Address, including street, city, state and zip code;
  3. Telephone number, including area code;
  4. Age;
  5. Sex;
  6. Date of exposure;
  7. The geographic location where the exposure occurred or location of the animal sighting if no person was exposed;
  8. Date of onset of symptoms;
  9. Name, address and telephone number, including the area code of the reporter; and
  10. Any other epidemiological information requested by the Department.

(d) Reports from an Animal Disease Laboratory shall include:

1. The submitting veterinarian's:
  - a. First and last name, including middle initial;
  - b. Address, including street, city, state and zip code;
  - c. Telephone number, including area code.
2. Type of diagnostic tests (for example culture, IgM, serology, Western Blot or culture);
3. Type of specimen (for example feces, urine, blood, mucus, etc.);
4. Date of specimen collection;
5. Site (for example cloaca, eye, etc., if applicable);
6. Diagnostic test results, including titer when quantitative procedures are performed, and including all available results on grouping or typing of organisms.

Specific Authority 381.0031(6) FS. Law Implemented 381.0031(2), (6) FS. History–New \_\_\_\_\_.

**64D-3.034 Cancer Reporting.**

**(1) Reporting Requirements:**

(a) Each facility and laboratory licensed under Chapters 395 and 483, and Section 408.07(20), F.S., respectively and practitioners licensed under Chapters 458, 459, 464, F.S., are required to report to the Florida Cancer Data System as required by Section 385.202, F.S., within six (6) months of each diagnosis and within six (6) months of the date of each treatment.

(b) Each facility shall submit each cancer case report electronically. Those facilities with fewer than 35 cancers annually requiring abstracting may submit paper copies or portions of the medical record, provided the copies contain all of the required information as per paragraph (1)(c).

(c) The data items, coding schemes, definitions, record layouts and reporting procedures are to follow the guidance provided in the Florida Cancer Data System Data Acquisition Manual, see subsection 64D-3.048(11), F.A.C.

(2) Notwithstanding subsection (1), each facility, center and laboratory that reports cancer cases to the Florida Cancer Data System shall make its records available for on-site review by the Department or its authorized representatives.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 385.202(5), 392.66 FS. Law Implemented 381.0011, 381.003, 381.0031, 384.25, 385.202, 392.53 FS. History–New \_\_\_\_\_.

**64D-3.035 Congenital Anomaly Reporting.**

(1) Congenital anomalies include major structural congenital defects, genetic disorders, and other congenital disorders.

(2) Notifiable congenital anomalies include all those diagnosed in:

(a) Infants who are born alive and have the anomaly diagnosed before their first birthday, including infants who at the time of death are so diagnosed; or

(b) Fetuses that are not born alive, but completed 19 weeks of gestation. In the absence of a gestational age estimate, a congenital anomaly in a fetus that is not born alive must be reported if the fetus had a weight of at least 500 grams.

(3) The reporting of congenital anomalies shall apply to each infant or fetus born, expelled or extracted in Florida on July 4, 1999, or later.

(4) A licensed hospital or licensed practitioner as defined in Section 381.0031(1), F.S., shall report information regarding each congenital anomaly.

(a) Each hospital licensed under Chapter 395, F.S., shall report to the Department's Florida Birth Defects Registry each congenital anomaly occurring in an infant admitted to the hospital. If a hospital reports a congenital anomaly to the Agency for Health Care Administration in its inpatient discharge data report pursuant to Chapter 59E-7, F.A.C., then it need not comply with the reporting requirements of Rule 64D-3.035, F.A.C., for that anomaly.

(b) Each licensed practitioner who diagnoses a congenital anomaly shall report it to the Department's Florida Birth Defects Registry, except if the anomaly occurs in an infant admitted to a hospital licensed under Chapter 395, F.S.

(c) Physician or hospital reports shall be made no sooner than the date of birth, expulsion or extraction, and no later than 60 days after the date on which the diagnosis was made, or the date of the birth, expulsion or extraction, whichever is later, except as indicated in paragraph 64D-3.035(4)(a), F.A.C.

(d) Reports shall be sent to the Florida Department of Health, Division of Environmental Health, Florida Birth Defects Registry, 4052 Bald Cypress Way, Bin A-8, Tallahassee, Florida 32399-1720. Information on reporting formats can be obtained from the Florida Birth Defects Registry at the above address or on-line at: [www.fldr.org](http://www.fldr.org).

Specific Authority 381.0011(13), 381.0031(6) FS. Law Implemented 381.0011(7), 381.0031 FS. History–New \_\_\_\_\_.

64D-3.036 Notifiable Disease Case Report Content is Confidential.

All information contained in laboratory reports, notifiable disease or condition case reports and in related epidemiological investigatory notes is confidential as provided in Section 381.0031(4), F.S., and will only be released as determined as necessary by the State Health Officer or designee for the protection of the public's health due to the highly infectious nature of the disease, the potential for further outbreaks, and/or the inability to identify or locate specific persons in contact with the cases.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 392.66 FS. Law Implemented 381.0011(4), 381.003(1), 381.0031(1), (4), (5), 384.25, 392.53 FS. History--New \_\_\_\_\_.

64D-3.037 Authority of the DOH County Health Department Director or Administrator and State Health Officer.

(1) The State Health Officer, or the county health department director or administrator or their designee, shall have the authority to give public notice of quarantine as defined in Rule 64D-3.038, F.A.C., and to initiate or terminate conditions of quarantine for purposes of controlling the spread of notifiable diseases or other disease conditions.

(2) The persons in charge of all premises upon which a person or persons or animals are quarantined shall allow access to the county health department director or administrator, the State Health Officer, or either of their designated representatives to assure that provisions of this chapter and orders applicable to the cases involved are observed.

(3) The State Health Officer, or the county health department director or administrator or their designee, shall have the authority to designate a setting as a sensitive situation as defined in subsection 64D-3.028(21), F.A.C., and to initiate or terminate conditions to control the spread of disease in such settings.

(4) The quarantine shall remain in effect until the situation no longer represents a public health hazard as determined by the county health department director or administrator or their designated representative.

Specific Authority 381.0011(4), (6), (13), 381.003(2), 384.33 FS. Law Implemented 154.04, 381.0011(4), 381.003(1), 384.28 FS. History--New \_\_\_\_\_.

64D-3.038 Quarantine Orders and Requirements.

(1) Quarantine orders shall be issued by the State Health Officer, or the county health department director or administrator, or their designee in writing; include an expiration date or specify condition(s) for ending of quarantine; and restrict or compel movement and actions by or regarding persons, animals or premises consistent with the protection of public health and accepted health practices except as otherwise governed by subsection (6).

(2) For the purpose of orders regarding quarantine, the term "actions" encompasses isolation, closure of premises, testing, destruction, disinfection, treatment, protocols during movement and preventive treatment, including immunization.

(3) Subjects or objects of quarantine orders shall be accessible at all times to the Department or its designees for purposes related to declaration, enforcement, maintenance, modification or abolition of such orders. The prohibition shall remain in effect until the situation no longer represents a public health hazard as determined by the county health department director or administrator or their designated representative.

(4) Where quarantine is used pursuant to Section 381.00315(1)(b)4., F.S., the subject individual may choose isolation in their domicile and such closure as needed to ensure that isolation, unless the Department determines that the subject individual's domicile is not a practical method of quarantine.

(5) Whenever provisions of this Chapter require laboratory specimens to be submitted for the identification of specific microorganisms in order to determine eligibility for release from quarantine, such examination shall be performed in a laboratory approved by the Department for performing such tests.

(6) For zoonosis control and prevention, any animal determined by the Department to be a significant threat to human health shall be humanely euthanized in accordance with the American Veterinary Medical Association's 2000 Report of the AVMA Panel on Euthanasia, see subsection 64D-3.048(12), F.A.C. Such an order shall be issued in writing.

(7) Transportation or removal of quarantined persons or animals with written orders issued shall be made in accordance with orders issued by the State Health Officer, or the county health department director or administrator or their designee.

(8) Quarantine Disinfection Procedures: Collection of contaminated matter and quarantine disinfection procedures shall be in accordance with orders issued by the State Health Officer, or the county health department director or administrator or their designee.

(a) Concurrent disinfection is required of infectious or potentially infectious secretions or excretions of any quarantined person or animal or of objects contaminated by such secretions and/or excretions.

(b) Terminal disinfection shall be carried out at the termination of the period of quarantine and shall be applied to the quarters vacated.

Specific Authority 381.0011(6)(a), (13), 381.003(2), 384.33 FS. Law Implemented 381.0011(6), 381.0012, 381.003(1), 381.00315(1)(b)4., 384.28 FS. History--New \_\_\_\_\_.

64D-3.039 Diseased Animals.

(1) No person shall bring into this state or offer for sale domestic or feral animals infected with a disease communicable from animals to humans.

(2) Any grouping or clustering of animals having similar diseases, symptoms or syndromes that may indicate the presence of a threat to humans including those for biological agents associated with terrorism shall be reported.

Specific Authority 381.0011(4), (6), (13), 381.003(2), 381.0031(6) FS. Law Implemented 381.0011(6), (10), 381.003(1), 381.0031(1), 823.04 FS. History–New \_\_\_\_\_.

64D-3.040 Procedures for Control of Specific Communicable Diseases.

(1) Psittacosis (Ornithosis).

(a) All cases and suspected cases of psittacosis in people or birds shall be reported to the county health department director or administrator or their designee.

(b) Birds suspected of being infected or having been associated with infected birds shall not be removed from any premises until the State Health Officer or the county health department director or administrator or their designee, has investigated the situation and issued orders which may include quarantine, laboratory examination or prescribed treatment according to recommendations of the National Association of State Public Health Veterinarians, Inc., published in the Compendium of Measures to Control Chlamydia psittaci (formerly Chlamydia psittaci) Infection Among Humans (Psittacosis) and Pet Birds (Avian Chlamydiosis), 2006, see subsection 64D-3.048(13), F.A.C.

(2) Rabies Control in Humans

(a) Reporting of Suspected Human Exposure to Rabies – Any person having knowledge of an incident in which a person is bitten by or otherwise exposed to any known or suspected rabid animal shall notify the county health department director or administrator or their designee where the bite occurred immediately by telephone, facsimile, electronic data transfer or other confidential means.

(b) Prevention in Humans – Persons bitten or otherwise exposed to suspect rabid animals shall be evaluated for post-exposure treatment by the county health department director or medical director or their designee according to recommendations of Human Rabies Prevention- United States, 1999, Recommendations of the Advisory Committee on Immunization Practices (ACIP), published in the Centers for Disease Control and Prevention Morbidity and Mortality Weekly Report, Vol. 48, No. RR-1, January 8, 1999, see subsection 64D-3.048(14), F.A.C.

(3) Rabies Control in Animals.

(a) The county health department director or administrator or their designee shall promptly investigate reported bites or exposures by suspected rabid animals.

(b) The county health department director or administrator or their designee shall cause to be captured, confined or seized suspected rabid animals and isolate and quarantine or humanely euthanize and provide for laboratory examination, as outlined in the guidebook, Rabies Prevention and Control in

Florida 2005, see subsection 64D-3.048(15), F.A.C. This includes animals involved in human exposure (bite and non-bite) and animals exposed to rabid or suspected rabid animals. Other methods of controlling rabies in domestic or wild animals shall be administered by order of the county health department director or administrator or their designee according to recommendations of the Florida Rabies Advisory Committee.

(c) Upon official request from the health agency of another state or country, the appropriate county health department designee shall provide assistance in locating and placing in quarantine the suspect animal as required for proper completion of investigation of a potential rabies exposure incident.

(d) Epizootic Rabies. The State Health Officer, or the county health department director or administrator or their designee shall declare an area wide quarantine when prevalence of rabies so indicates. The conditions of the quarantine shall control the movement, sale, impoundment or required euthanasia of animals in the quarantine area as specified by departmental policy and procedure guidelines as defined in paragraph 64D-3.040(3)(b), F.A.C.

(4) Shigella and salmonella infections other than enteric disease outbreaks in child care settings, for which see subsection 64D-3.040(5), F.A.C., and Typhoid Fever, for which see subsection 64D-3.040(6), F.A.C.

(a) Sensitive Situations.

1. Persons with laboratory-confirmed or probable cases of Shigella and Salmonella infections (excluding typhoid fever) shall be prohibited from being present in sensitive situations until they are determined by the county health department director or administrator or their designee no longer to be a public health hazard. Release as no longer a public health hazard may be obtained by order of the director/administrator as provided for in subsections 64D-3.040(3),(4), F.A.C., for Salmonella, or by the infected person's submitting a minimum of two (2) stool specimens in satisfactory condition to one of the Department's laboratories or other clinical laboratory acceptable to the Department and meeting the following conditions:

a. The specimens are negative for these organisms.

b. The first specimen shall not be obtained sooner than forty-eight (48) hours after the cessation of any antibiotic therapy for those cases receiving antibiotics.

c. The second and subsequent specimen shall not be obtained sooner than at 24-hour intervals.

2. Persons who are contacts to probable or confirmed cases of shigella and salmonella infections (excluding typhoid fever):

a. Who have symptoms of an enteric illness or who have had such symptoms during the past two (2) weeks shall be presumed to be infected and shall be managed as a case as outlined in subparagraph 64D-3.040(4)(a)1., F.A.C.; or

b. Persons who are contacts to probable or confirmed cases of Shigella and Salmonella infections (excluding typhoid fever) and who do not have symptoms of an enteric illness or who have not had those symptoms during the past two (2) weeks may be permitted to continue in their sensitive situation at the discretion of the county health department director or administrator or their designee.

3. Persons infected with Salmonella (excluding typhoid fever) without symptoms may attend schools or child care settings at the discretion of the county health department director or administrator or their designee, provided adequate sanitary facilities and hygienic practices exist.

(b) Non-sensitive Situations Cases, Contacts, and Carriers of Salmonella or Shigella who are in non-sensitive situations should be counseled regarding disease transmission, food preparation and hand washing practices. Follow-up or release based on stool culture results is not required.

(5) Enteric disease outbreaks in child care settings [for typhoid fever, [see subsection 64D-3.040(6), F.A.C.] In the event of an outbreak in a child care setting of one of these diseases, the county health department director or administrator or their designee shall implement control procedures as defined in "Guidelines for Control of Outbreaks of Enteric Disease in Child Care Settings," see subsection 64D-3.048(16), F.A.C.

(6) Typhoid Fever.

(a) Cases: Enteric isolation procedures are required for all cases during the acute stages of illness. The patient shall be under the supervision of the county health department director or administrator or their designee until bacteriologic cultures are obtained from feces and are negative in no less than three consecutive specimens taken at least 24 hours apart and not earlier than 1 month after onset of illness, provided the patient has been off antibiotic therapy for a period of 1 week. If any one specimen of this series yields typhoid organisms, then at least an additional three negative consecutive specimens of feces taken at least 24 hours apart are required for release of the case.

(b) Household contacts of a typhoid case who may be excreting S. typhi as determined by the county health department director or administrator or their designee and who are involved in food processing, food preparation or food service for public consumption or in any occupation bringing them in contact with children, ill persons, or the elderly or are present in other sensitive situations, as defined in subsection 64D-3.028(21), F.A.C., are prohibited from returning to such occupation or situation until no less than three specimens of feces taken at least 24 hours apart are negative for typhoid organisms. In addition, other appropriate tests may be required at the discretion of the county health department director or administrator or their designee.

(7) Perinatal Hepatitis B.

(a) The following infants shall receive hepatitis B immune globulin and hepatitis B vaccine once they are physiologically stable, preferably within 12 hours of birth, and shall complete the hepatitis B vaccine series according to the recommended vaccine schedule. Testing infants for HBsAg and antibody to hepatitis B surface antigen (anti-HBs) six (6) months after the completion of the hepatitis B vaccine series is recommended to monitor the success or failure of therapy.

1. Infants born to HBsAg-positive mothers;

2. All infants of mothers born in areas of high endemicity for hepatitis B infection. These areas include China, Southeast Asia, Africa, Middle East, Pacific Islands and the Amazon Basin.

3. Alaskan Native infants.

(b) Household members, sexual and needle-sharing partners of HBsAg-positive prenatal/postpartum hepatitis B women should be tested to determine susceptibility to the hepatitis B virus, and, if susceptible should receive the hepatitis B vaccine series.

(8) Vibrio Infections. All food service establishments serving raw oysters shall display, either on menus or on table placards, the following notice: "Consumer Information: There is risk associated with consuming raw oysters. If you have chronic illness of the liver, stomach or blood or have immune disorders, you are at greater risk of serious illness from raw oysters, and should eat oysters fully cooked. If unsure of your risk, consult a physician."

Specific Authority 381.0011(6), (13), 381.003(2), 381.006(16), 384.25(2), 384.33 FS. Law Implemented 381.0011(4), (6), (8), 381.003(1), 381.0031, 384.25, 384.27 FS. History—New \_\_\_\_\_.

64D-3.041 Epidemiological Investigations.

(1) The Department and its authorized representatives, when deemed necessary to protect the public's health, may conduct epidemiological investigations and follow-up to confirm the diagnosis, treatment and causes of any disease or condition to determine appropriate methods of epidemic and communicable disease control. Such investigations shall be considered official duties of the Department and may include, but are not limited to:

(a) Review of pertinent, relevant medical records by authorized representatives of the Department, if necessary to confirm the diagnosis; to investigate causes; to identify other related cases in an area, community, or workplace; to determine if a person with a reportable notifiable disease or condition has received adequate treatment to render themselves non-infectious or if exposed has received prophylaxis, if appropriate. Such review of records may occur without patient consent and shall be conducted at reasonable times and with such notice as is deemed reasonable under the circumstances.



(b) Perform interviews with an infected person or persons knowledgeable about the case to collect pertinent and relevant information about the cause(s) of or risk factors for the notifiable disease or condition.

(c) Conduct notification services by authorized Department representatives to inform persons who may have been in such association with an infected person or animal or a contaminated environment and who have had opportunity to acquire the infection. These will include, but are not limited to: household contacts, sexual partners, correctional facilities inmates and employees, patrons, employees and/or owners of business establishments, preschool staff and students, school staff and students, and other individuals who may have been in an infected persons' social, business or environmental network.

(d) Medical examination and/or testing of persons exposed to or at risk of the notifiable disease or condition.

(e) Obtain from public or private businesses or institutions the identities and locating information of persons, travelers, passengers or transportation crews with a similar or common potential exposure to the infectious agent as a reported case (such exposure may be current or have occurred in the past).

(f) Interview or administer questionnaires confidentially to any resident of a community or any agent, owner, operator, employer, employee or client of a public or private business or institution, that is either epidemiologically associated with an outbreak, or with the reported case or has had similar exposure as the reportable case.

(g) Collect environmental samples of substances or measurements of physical agents that may be related to the cause of an outbreak or notifiable disease or condition.

(h) Enter a place of employment for the purpose of conducting epidemiological investigations of those processes, conditions, structures, machines, apparatus, devices, equipment, records and materials within the place of employment which are relevant, pertinent and necessary to the investigation of an outbreak of notifiable diseases or conditions during regular working hours or at other reasonable times with such notice as is reasonable under the circumstances.

(2) All information gathered in the course of an epidemiological investigation and follow-up shall be confidential and subject to the provisions of Sections 381.0031(4), 384.29, and 392.65, F.S.

Specific Authority 381.0011(7), 381.0011(13), 381.003(2), 381.0031(6), 384.25(2), 384.33 FS, Law Implemented 381.0011(4), 381.003(1)(c), 384.26, 392.54 FS, History—New \_\_\_\_\_.

#### 64D-3.042 STD Testing Related to Pregnancy.

(1) Practitioners attending a woman for prenatal care shall cause the woman to be tested for chlamydia, gonorrhea, hepatitis B, HIV and syphilis as follows:

(a) At initial examination related to her current pregnancy; and again.

(b) At 28 to 32 weeks gestation.

(2) Exceptions to the testing outlined in subsection (1) above are as follows:

(a) A woman, who tested positive for hepatitis B surface antigen (HbsAg) during the initial examination related to her current pregnancy; need not be re-tested at 28-32 week's gestation.

(b) A woman, with documentation of HIV infection or AIDS need not be re-tested during the current pregnancy.

(3) Women who appear at delivery or within 30 days postpartum with:

(a) No record of prenatal care, or;

(b) Prenatal care with no record of testing;

(c) Prenatal care with no record of testing after the 27th week of gestation shall be considered at a high risk for sexually transmissible diseases and shall be tested for hepatitis B surface antigen (HbsAg), HIV and syphilis prior to discharge.

(4) Emergency Departments of hospitals licensed under Chapter 395, F.S. may satisfy the testing requirements under this rule by referring any woman identified as not receiving prenatal care after the 12th week of gestation in writing to the county health department having jurisdiction over the area in which the emergency department is located.

(5) Prior to any testing required by this rule, practitioners shall:

(a) Notify the woman which tests will be conducted;

(b) Inform the woman of her right to refuse any or all tests;

(c) Place a written statement of objection signed by the women each time she refuses required testing in her medical record specifying which tests were refused. If the women refuses to sign the statement, the provider shall document the refusal in the medical record. No testing shall occur for the infections specified in the refusal statement of objection.

(6) Women who had a serologic test for syphilis during pregnancy that was reactive, regardless of subsequent tests that were non-reactive shall be tested as soon as possible at or following delivery.

(7)(a) Specimens shall be submitted to a laboratory licensed under Part 1 Chapter 483, F.S., to perform tests for chlamydia, gonorrhea, hepatitis B surface antigen (HbsAg), HIV and syphilis.

(b) The practitioner submitting the specimens for testing to a licensed laboratory shall state that these specimens are from a pregnant or postpartum woman.

(8) Practitioners required by law to prepare birth and stillbirth certificates shall document on the certificate if chlamydia, gonorrhea, hepatitis B, HIV, syphilis infections or genital herpes or genital human papilloma virus were present and/or treated during this pregnancy.

(9) Nothing in this rule shall prohibit a practitioner from testing these women for other sexually transmissible diseases in accordance to prevailing national standards, community disease distribution or the professional judgment of the practitioner.

Specific Authority 381.001(13), 381.003(2), 382.003(7), 382.008(6), 382.013(5), 384.25, 384.33 FS. Law Implemented 38.0011(4), 381.003(c), 381.004(3)(c), 384.26, 384.31 FS. History–New \_\_\_\_\_.

#### 64D-3.043 Tuberculosis Treatment and Follow-up.

(1) An individualized treatment plan shall be prescribed by providers licensed under Chapter 458, 459 or 464 F.S., for each person in their care who has suspected or confirmed active Tuberculosis.

(a) The treatment plan must be consistent with current standards of medical practice and include information regarding:

1. Provisions for treatment to cure;
2. Provisions for follow-up;
3. Delivery of treatment, e.g., directly observed therapy if appropriate;
4. A case management approach as defined by Department guidelines.

(b) The treatment plan must be documented on TB Medical Report and Treatment Plan, DH Form 1173, 02/98, see subsection 64D-3.048(17), F.A.C.

(2) The county health department director, administrator or their designee shall document the case management approach as defined in Department guidelines “Tuberculosis (TB) Case Management/Team Approach,” see subsection 64D-3.048(18), F.A.C.

(3) The county health department shall provide a complete explanation of Tuberculosis, the medical risks associated with Tuberculosis, the need to comply with the prescribed course of the treatment plan, and the consequences of non-compliance with the treatment plan to each patient suspected or proven to have Tuberculosis, to the patient’s legal guardian or to the patient’s caregiver. The explanation shall be culturally, developmentally, educationally and linguistically appropriate and tailored to the understanding of the patient, the patient’s legal guardian or the patient’s caregiver.

Specific Authority 381.0011(13), 381.003(2), 392.64(1), 392.66 FS. Law Implemented 381.0011, 381.003(1)(a), 392.55(2), (3), 392.56(2)(b), 392.59, 392.61, 392.64(1) FS. History–New \_\_\_\_\_.

#### 64D-3.044 Allocation Methodology for the Distribution of Funds Appropriated for Tuberculosis Control.

(1) In addition to the criteria listed in Section 392.61(4), F.S., the factors used to determine the distribution of funds for each county will be the number of reported Tuberculosis cases in a county during the most recent 5 year period for which complete annualized morbidity data is available.

(2) Any additional grant funding provided by state or federal agencies for specific projects in specifically identified areas of the state will not result in the formula in subsection (1) being adjusted.

Specific Authority 381.0011(4), (13), 381.003(2), 392.61(4), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.61(4) FS. History–New \_\_\_\_\_.

#### 64D-3.045 Execution of Certificate for Involuntary Hold for Tuberculosis.

(1) Pursuant to the provisions of Section 392.565, F.S., when the treating physician determines that a request for an Order for Involuntary Hold is warranted, the treating physician shall immediately telephone the Medical Executive Director of A.G. Holley State Hospital at (561)582-5666, who is the State Health Officer’s designee as defined in this rule, to report the facts of the situation and to determine if the person meets the criteria for involuntary hold.

(2) The treating physician shall complete the form, “Certificate of Physician Pursuant to Section 392.565, F.S., Requesting an Order for Involuntary Hold and Petition for Emergency Hearing,” DH Form 1201, see subsection 64D-3.048(19), F.A.C. The certificate shall state that the person appears to meet the requirements specified in Section 392.565, F.S., as well as the following criteria:

(a) The person has active Tuberculosis or is reasonably suspected of having active Tuberculosis and poses a threat to the public health as evidenced by the following:

1. The person is not taking medications as prescribed; or
2. The person is not following the recommendations of the treating physician; or
3. The person is not seeking treatment for signs and symptoms compatible with Tuberculosis; or
4. The person evidences a disregard for the health of the public; and

(b) The person has been counseled, pursuant to the requirements of Section 392.56(2)(b), F.S.;

(c) All other less restrictive means of obtaining compliance have been exhausted; and

(d) No other less restrictive alternative is available.

(3) The treating physician shall send the completed “Certificate of Physician Pursuant to Section 392.565, F.S., Requesting an Order for Involuntary Hold and Petition for Emergency Hearing” by facsimile to the Medical Executive Director of A.G. Holley State Hospital.

(4) If the Medical Executive Director agrees that the person meets the criteria for involuntary hold, the designee of the State Health Officer shall sign an “Order for Involuntary Hold,” DH Form 1202, see subsection 64D-3.048(20), F.A.C.

(5) Facsimile copies of the certificates for involuntary hold shall satisfy the filing requirement for petitions under Sections 392.55 or 392.56, F.S.

Specific Authority 381.0011(4), (13), 381.003(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.55, 392.56, 392.565, 392.59, 392.62, 392.64(2) FS. History—New \_\_\_\_\_.

64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, and Kindergarten through 12, and Adult Education Classes.

(1) Immunization and Documentation Requirements –

(a) A student may attend a public or non-public school, grades preschool through 12 or an adult education class if younger than 21, if prior to admittance, attendance or transfer, they present one of the following for inspection for validity by an authorized school official:

1. DH Form 680 Florida Certification of Immunization, see paragraph 64D-3.048(21)(a), F.A.C.

2. Documentation of receipt of or exemption from must be noted for the following immunizations: diphtheria, tetanus, pertussis, poliomyelitis, measles (rubeola), rubella, mumps, varicella and hepatitis B. The manner and frequency of administration of the immunizations shall conform to recognized standards of medical practice.

(2) Specific immunization requirements by grade, in addition to those in paragraph (1)(a), which must be documented prior to admittance, attendance or transfer:

(a) Preschool – Completion of Haemophilus influenzae type b vaccination.

(b) Preschool or kindergarten effective with the 2001/2002 school year – completion of varicella vaccination. Each subsequent year thereafter the next highest grade will be included in the requirement so that students transferring into Florida schools are added to the varicella immunized cohort.

1. 7th Grade – Completion of a tetanus-diphtheria booster.

2. Additional Documentation Requirements for Exemptions:

3. For exemption from the rubeola immunization the practitioner must include with DH Form 680, see paragraph 64D-3.048(21)(a), F.A.C., documentation on their own stationery of the physician's request for exemption, asserting that the student had an illness comprised of a generalized rash lasting three or more days, a fever of 101 degrees Fahrenheit or greater, a cough, and/or coryza, and/or conjunctivitis and, in the physician's opinion, has had the ten-day measles (rubeola) or serologic evidence of immunity to measles.

(c) Forms are to be fully executed by a practitioner licensed under Chapters 458, 459, 460, F.S., or their authorized representative (where permitted in the particular certification) per instructions for the appropriate school year as provided in the Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes, see paragraph 64D-3.048(21)(e), F.A.C.

(d) DH Form 681, Religious Exemptions for Immunizations, see paragraph 64D-3.048(21)(b), F.A.C.; must be issued and signed by the local county health department medical director or designee.

(e) Otherwise required immunizations not performed must be accounted for under the Temporary or Permanent Medical Exemptions, DH Form 680, Parts B and C, see paragraph 64D-3.048(21)(a), F.A.C.

(3) Documentation Requirements for Schools:

(a) The original of the form(s) required under paragraph (1)(a) shall remain in the student's cumulative health record.

(b) Antigen doses by dates of immunization shall be transferred as data elements through the Florida Automated System for Transferring Education Records (FASTER).

(c) Compliance Reporting.

1. Each public and nonpublic school with a kindergarten and/or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade, see paragraph 64D-3.048(21)(c), F.A.C. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the county health director/administrator no later than October 1 of each school year where the data will be compiled on DH Form 685, the Kindergarten and Seventh Grade Annual Report of Compliance County Summary, see paragraph 64D-3.048(21)(d), F.A.C., or electronically generated by the Department of Education.

2. After consultation with the Department of Education, the Department of Health shall require compliance reports from public and nonpublic schools and preschools for selected grades (K-12 and preschool) in special situations of vaccine preventable disease outbreak control or identified need for monitoring through surveys for immunization compliance levels. Such reports shall include the status of all children who were attending school at the beginning of the school year. Reports shall be forwarded to the county health department director/administrator within a specified period as determined by the Department.

(4) Homeless, Transfers and Juvenile Justice – A temporary exemption to requirements of subsection (2) above not to exceed 30 days may be issued by an authorized school official for any of the following consistent with the definitions in Section 1003.01, F.S.:

(a) A homeless child.

(b) A transfer student.

(c) A student who enters a juvenile justice education program or school.

(5) Notwithstanding subsection (2), the Department may:

(a) Designate any required immunization as unnecessary or hazardous according to recognized standards of medical practice.

(b) Upon determination that a shortage of vaccine exists, approve issuance of temporary medical exemption with extended expiration dates by practitioners or authorized school officials until such time as, in the Department's opinion, vaccine will be available in sufficient quantity for such deferred vaccinations to be completed.

(6) Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry. Florida SHOTS, by submitting to the Department of Health a completed DH Form 1478, Florida SHOTS Notification and Opt Out Form, see paragraphs 64D-3.048(2)(f), (g) and (h), F.A.C. The immunization records of children whose parents choose to opt-out will not be shared with other entities that are allowed by law to have access to the child's immunization record via authorized access to Florida SHOTS.

(7) Florida SHOTS Private Provider Participation – Any health care practitioner licensed in Florida under Chapters 458, 459 or 464, F.S., may request authorization to access Florida SHOTS by filling out a DH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (Florida State Health Online Tracking System), see paragraph 64D-3.048(2)(i), F.A.C. The DH Form 1479 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the Department of Health. The authorized user and the applicable licensing authority or agency shall notify the Department of Health, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

(8) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DH Form 2115, Authorized School, and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS, see paragraph 64D-3.048(21)(j), F.A.C. The DH Form 2115 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the Department of Health. The authorized user and the applicable licensing authority or agency shall notify the Department of Health, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

Specific Authority 381.0011(13), 381.003(1), (2), 381.005(2), 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History–New \_\_\_\_\_.

#### 64D-3.047 Enforcement and Penalties.

(1) Any practitioner, hospital or laboratory who is subject to the provisions of this rule who fails to report a disease or condition as required by this rule or otherwise fails to act in accordance with this rule is guilty of a misdemeanor of the second degree, and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) as provided in Sections 775.082 or 775.083, F.S. Each violation is considered a separate offense.

(2) All violations by practitioners, hospitals or laboratories shall be reported to the appropriate professional licensing authorities and public financing programs.

Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 384.34(4) FS. Law Implemented 381.0011, 381.003(1), 381.0031, 384.34 FS. History–New \_\_\_\_\_.

#### 64D-3.048 List of Documents Incorporated by Reference.

The following recommendations, guidelines, definitions and forms are adopted by reference:

(1) The recommended guidelines for the investigation, prevention, suppression and control of communicable diseases contained in "Control of Communicable Diseases Manual," 18th Edition, Editor David L. Heymann, American Public Health Association, ISBN 0-87553-034-6.

(2) The recommended guidelines for the investigation, prevention, suppression and control of communicable diseases contained in "Red Book: Report of the Committee on Infectious Disease," 26th Edition, Editor Larry K. Pickering, American Academy of Pediatrics, ISBN 1-58110-095-7.

(3) The definition of "case" and "suspected case" set forth in "Surveillance Case Definitions for Select Reportable Diseases in Florida," is available online at: [www.doh.state.fl.us/disease\\_ctrl/epi/topics/surv.htm](http://www.doh.state.fl.us/disease_ctrl/epi/topics/surv.htm).

(4) The definition of "case" and "suspected case" set forth in Nationally Notifiable Infectious Diseases, Definition of Terms Used in Case Classification, is available online at: [www.cdc.gov/epo/dphsi/casedef/definition\\_of\\_terms.htm](http://www.cdc.gov/epo/dphsi/casedef/definition_of_terms.htm).

(5) Florida Department of Health Disease Report Form (DOH Form 2136, 03/06), is available at the Department of Health, Division of Disease Control, 4052 Bald Cypress Way, Bin A-09, Tallahassee, FL 32399-1714.

(6) CDC Guidelines for National Human Immunodeficiency Virus Case Surveillance, Including Monitoring for Human Immunodeficiency Virus Infection and Acquired Immunodeficiency Syndrome, published in Morbidity and Mortality Weekly Report (MMWR) Vol. 48 [RR-13, December 10, 1999], is available online at: [www.cdc.gov/mmwr/PDF/RR/RR4813.pdf](http://www.cdc.gov/mmwr/PDF/RR/RR4813.pdf).

(7) Adult HIV/AIDS Confidential Case Report, CDC 50.42A Rev. 01/2003, is available at county health departments or at the Department of Health, Bureau of HIV/AIDS, 4052 Bald Cypress Way, Bin A-09, Tallahassee, Florida 32399-1715.

(8) Pediatric HIV/AIDS Confidential Case Report, CDC 50.42B Rev. 01/2003, is available at county health departments or at the Department of Health, Bureau of HIV/AIDS, 4052 Bald Cypress Way, Bin A-09, Tallahassee, Florida 32399-1715.

(9) Addendum for Adult HIV/AIDS Confidential Case Report, Form DH 2134, is available at county health departments or at the Department of Health, Bureau of HIV/AIDS, 4052 Bald Cypress Way, Bin A-09, Tallahassee, Florida 32399-1715.

(10) CDC Implementation Guide for Transmission of Laboratory-Based Reporting of Public Health Information using Version 2.3.1 of the Health Level Seven (HL7) Standard Protocol is available at the Department of Health, ELR Project, 4052 Bald Cypress Way, Bin A-12, Tallahassee, Florida 32399-1715.

(11) Florida Cancer Data System Data Acquisition Manual (2005, or current year edition) is available at: <http://fcds.med.miami.edu/inc/downloads.shtml>.

(12) The American Veterinary Medical Association’s 2000 Report of the AVMA Panel on Euthanasia is available from the Florida Department of Health, Bureau of Epidemiology, 4052 Bald Cypress Way, Bin A-12, Tallahassee, Florida 32399-1720.

(13) Compendium of Measures to Control Chlamydomphila psittaci (formerly Chlamydia psittaci) Infection Among Humans (Psittacosis) and Pet Birds (Avian Chlamydiosis), 2006, is available from the Department of Health, Division of Environmental Health, 4052 Bald Cypress Way, Bin A-08, Tallahassee, Florida 32399-1720.

(14) Human Rabies Prevention – United States, 1999, Recommendations of the Advisory Committee on Immunization Practices (ACIP), published in Morbidity and

Mortality Weekly Report (MMWR) Vol. 48 [No. RR-1, January 8, 1999], is available online at: [www.cdc.gov/mmwr/PDF/rr/rr4801.pdf](http://www.cdc.gov/mmwr/PDF/rr/rr4801.pdf).

(15) Rabies Prevention and Control in Florida, 2005, is available from the Department of Health, Division of Environmental Health, 4052 Bald Cypress Way, Bin A-08, Tallahassee, Florida 32399-1720.

(16) “Guidelines for Control of Outbreaks of Enteric Disease in Child Care Settings,” dated March 2000, is available online at: [www.doh.state.fl.us/disease%5Fctrl/epi/surv/enteric.pdf](http://www.doh.state.fl.us/disease%5Fctrl/epi/surv/enteric.pdf).

(17) TB Medical Report and Treatment Plan, DH Form 1173, 2/98, is available online at: [www.doh.state.fl.us/disease%5Fctrl/tb/tbforms/dohpdfforms/1173/DH1173-TBTxPlan02-98.pdf](http://www.doh.state.fl.us/disease%5Fctrl/tb/tbforms/dohpdfforms/1173/DH1173-TBTxPlan02-98.pdf).

(18) “Tuberculosis (TB) Case Management/Team Approach,” 4/98, is available from the Department of Health, Bureau of TB and Refugee Health, 4052 Bald Cypress Way, Bin A-09, Tallahassee, Florida 32399-1720.

(19) “Certificate of Physician Pursuant to Section 392.565, F.S., Requesting an Order for Involuntary Hold and Petition for Emergency Hearing,” DH Form 1201, 01/98, is available at the local county health department or by contacting the A.G. Holley State Hospital, 1199 Lantana Road, Lantana, Florida 33462-1514, (561)582-5666.

(20) “Order for Involuntary Hold,” DH Form 1202, 01/98, is available at A.G. Holley State Hospital, 1199 Lantana Road, Lantana, Florida 33462-1514, (561)582-5666.

(21) Immunization Forms and Guidelines:

<u>FORM #</u>	<u>EFFECTIVE DATES</u>	<u>TITLE</u>	<u>FORMS AND GUIDELINES AVAILABILITY</u>
<u>(a) DH 680</u>	<u>(July 2001)</u>	<u>Florida Certification of Immunization</u>	<u>DOH county health departments (DOH CHDs), or physicians’ offices</u>
<u>(b) DH 681</u>	<u>(February 2002)</u>	<u>Religious Exemption From Immunization (English/ Spanish/ Haitian-Creole Version)</u>	<u>DOH CHDs</u>
<u>(c) DH 684</u>	<u>(November 1996)</u>	<u>Immunization Annual Report of Compliance for Kindergarten and Seventh Grade</u>	<u>DOH CHDs</u>
<u>(d) DH 685</u>	<u>(November 1996)</u>	<u>Kindergarten and Seventh Grade Annual Report of Compliance County Summary</u>	<u>DOH CHDs</u>

<u>(e) DH 150-615</u>	<u>(July 2002)</u>	<u>Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes, Effective July 2002</u>	<u>Available online at: <a href="http://www.doh.state.fl.us/disease_ctrl/immune/schoolguide.pdf">www.doh.state.fl.us/disease_ctrl/immune/schoolguide.pdf</a></u>
<u>(f) DH 1478</u>	<u>(November 2000)</u>	<u>Florida SHOTS Notification and Opt Out Form (English Version)</u>	<u>DOH Bureau of Immunization 4052 Bald Cypress Way Bin # A-11 Tallahassee, FL 32399-1719</u>
<u>(g) DH 1478S</u>	<u>(November 2000)</u>	<u>Florida SHOTS Notification and Opt Out Form (Spanish Version)</u>	<u>DOH Bureau of Immunization 4052 Bald Cypress Way Bin # A-11 Tallahassee, FL 32399-1719</u>
<u>(h) DH 1478H</u>	<u>(February 2002)</u>	<u>Florida SHOTS Notification and Opt Out Form (Haitian-Creole Version)</u>	<u>DOH Bureau of Immunization 4052 Bald Cypress Way Bin # A-11 Tallahassee, FL 32399-1719</u>
<u>(i) DH 1479</u>	<u>(November 2000)</u>	<u>Authorized Private Provider User Agreement for Access to Florida SHOTS (Florida State Health Online Tracking System)</u>	<u>DOH Bureau of Immunization 4052 Bald Cypress Way Bin # A-11 Tallahassee, FL 32399-1719</u>
<u>(j) DH 2115</u>	<u>(November 2000)</u>	<u>Authorized School and Licensed or Registered Child Care Facility User Agreement For Access to Florida SHOTS (Florida State Health Online Tracking System)</u>	<u>DOH Bureau of Immunization 4052 Bald Cypress Way Bin # A-11 Tallahassee, FL 32399-1719</u>

<u>Specific Authority 381.0011(13), 381.003(2), 381.0031(6), 384.33, 384.34(4), 1003.22 FS. Law Implemented 381.0011, 381.003(1), 381.0031, 384.34, 1003.22 FS. History--New</u>	69B-231.090	Penalties for Violation of Section 626.621
NAME OF PERSON ORIGINATING PROPOSED RULE: Karla Schmitt	69B-231.100	Penalties for Violation of Subsection 626.9541(1)
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Landis Crockett, M.D., M.P.H.	69B-231.110	Penalties for Violation of Other Specific Provisions of the Florida Insurance Code
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 5, 2005	69B-231.120	Penalties for Violation of Other Insurance Code Provisions
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2005	69B-231.130	Penalties for Violation of Department Rules
	69B-231.140	Penalties for Violation of Department Orders
<b>DEPARTMENT OF FINANCIAL SERVICES</b>	69B-231.150	Criminal Proceedings
<b>Division of Agent and Agency Services</b>	69B-231.160	Aggravating/Mitigating Factors
RULE NOS.: 69B-231.010		PURPOSE AND EFFECT: The purpose of the proposed rule development is to update the rules that govern suspension and revocation of licenses of insurance agents, customer representatives, service representatives and adjusters. The rules are updated by adding new regulations adopted by the Florida Legislature and deleting laws that have been repealed. The rules are also updated by increasing penalties for violating
69B-231.020		
69B-231.030		
69B-231.040		
69B-231.070		
69B-231.080		
		626.611

certain laws in order to reflect the Department's experience in dealing with the frequency and severity of these violations. The purpose of other changes is to clarify the rules.

SUMMARY: The amendment to Rule 69B-231.010, F.A.C., adds a reference to the Department's authority that is contained in Section 626.201, F.S. Rule 69B-231.020, F.A.C., is amended to clarify which licenses are subject to the rule chapter and which are not. Rule 69B-231.030, F.A.C., is amended to correct a cross-reference. Rule 69B-231.040, F.A.C., is amended to provide that the Department may, rather than shall, impose a fine and probation in lieu of a suspension or revocation in certain circumstances. This corresponds to the law being implemented. Rule 69B-231.070, F.A.C., is amended to add specific authority and laws implemented. Rule 69B-231.080, F.A.C., is amended to increase the length of license suspension for violations of certain provisions of 626.611, F.S. Rule 69B-231.090, F.A.C., is amended to increase the length of license suspension for violations of certain provisions of Section 626.621, F.S. Rule 69B-231.100, F.A.C., is amended to increase the length of license suspension for violations of certain unfair and deceptive insurance practices and to add penalties for churning by life insurance agents and for use of financial institution names or logos in advertising by insurance agents. Rule 69B-231.110, F.A.C., is amended to increase the length of license suspension for violations certain other provisions of the Florida Insurance Code and to repeal penalties for violating the primary agent law which has been repealed. Rules 69B-231.120, F.A.C., and 69B-231.130, F.A.C., contain technical changes. Rule 69B-231.140, F.A.C., is amended to provide a penalty for willful violations of a Department order. Rule 69B-213.150, F.A.C., is amended to provide that revocation of a license is immediate upon a conviction of a felony and to eliminate unnecessary provisions relating to foreign crimes. The amendments to Rule 69B-213.160, F.A.C., are technical.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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(1), 626.207(2) FS.

LAW IMPLEMENTED: 624.307(1), 626.308, 626.207(2), 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, 626.9521, 626.9541, 626.9561, 626.9571, 626.9581 FS.

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

DATE AND TIME: July 10, 2006, 1:30 p.m. – 3:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barry Lanier, Chief of the Bureau of Investigations, Division of Agent and Agency Services, Department of Financial Services, 200 E. Gaines Street, Room 412, Larson Building, Tallahassee, FL 32399-0319, (850)413-5601

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Serica Johnson, (850)413-4241.

THE FULL TEXT OF THE PROPOSED RULES IS:

#### PENALTY GUIDELINES FOR INSURANCE REPRESENTATIVES

##### 69B-231.010 Purpose.

The purpose of this rule chapter is to implement the Department's duty under Sections 624.307(1) and 626.207(2), F.S., to enforce Sections 626.611, 626.621, 626.631, 626.641, 626.681, 626.691, F.S., by establishing standards for penalties described in those statutory sections, and interpreting provisions in those sections as they relate to penalties imposed upon licensees specified in Rule 69B-231.020, F.A.C.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.631, 626.641, 626.681, 626.691 FS. History—New 7-13-93, Amended 9-23-02, Formerly 4-231.010, Amended.

##### 69B-231.020 Scope.

(1) This rule chapter shall apply to all resident and nonresident insurance agents, customer representatives, ~~solicitors~~, adjusters and service representatives ~~claims investigators~~ licensed under Chapter 626, F.S., who are subject to discipline under Sections 626.611 and 626.621, F.S.

(2) This rule chapter does not apply to insurance agencies, title insurance agencies, title insurance agents, insurance administrators, surplus lines agents, bail bond agents or managing general agents.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691 FS. History—New 7-13-93, Amended 8-15-00, 9-23-02, Formerly 4-231.020, Amended.

##### 69B-231.030 Definitions.

The following definitions shall apply for purposes of this rule chapter.

(1) through (3) No change.

(4) "Crimes involving moral turpitude" means each felony crime identified in subsection 69B-211.042(21)(23), F.A.C., and each felony crime not identified in subsection 69B-211.042(21), F.A.C., that is substantially similar to a crime identified in subsection 69B-211.042(21), F.A.C.

(5) through (9) No change.



Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, ~~626.681, 626.691~~ FS. History–New 7-13-93, Amended 9-23-02, Formerly 4-231.030, Amended.

69B-231.040 Calculating Penalty.

- (1) through (2) No change.
- (3) Final Penalty.

(a) The final penalty which will be imposed against a licensee under these rules shall be the total penalty, as adjusted to take into consideration any aggravating or mitigating factors; ~~provided however~~

(b) ~~The Department may shall~~ convert the total penalty to an administrative fine and probation if the licensee has not previously been subjected to an administrative penalty and the current action does not involve in the absence of a violation of Section 626.611, F.S., if warranted upon

(c) ~~The Department's will~~ consideration of the factors set forth in rule subsection 69B-231.160(1), F.A.C., in determining whether to convert the total penalty to an administrative fine and probation.

(d) In the event that the final penalty would exceed a suspension of twenty-four (24) months, the final penalty shall be revocation.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.641, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.040, Amended.

69B-231.070 Prosecutorial Discretion.

- (1) No change.
- (2) Stipulated Disposition. The provisions of this rule are not intended and shall not be construed to limit the ability of the Department to informally dispose of disciplinary actions by stipulation, agreed settlement or consent order whether or not the Department has initiated administrative charges.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691, 626.9521, 626.9561, 626.9571, 626.9581 FS. History–New 7-13-93, Formerly 4-231.070, Amended.

69B-231.080 Penalties for Violation of Section 626.611.

If it is found that the licensee has violated any of the following subsections of Section 626.611, F.S., for which compulsory suspension or revocation of license(s) and appointment(s) is required, the following stated penalty shall apply:

- (1) Section 626.611(1), F.S. – revocation ~~surrender of license~~
- (2) Section 626.611(2), F.S.

(a) Suspension 12 months if, had the license application been accurate, the application would have been granted, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license, and the documentation in the applicant's file at the time the Department issued the license.

(b) Revocation if, had the license application been accurate, the application would have been denied, based on the statutes and Department licensing rules applicable to the application at the time the Department issued the license.

(3) Section 626.611(3), F.S. – revocation ~~surrender of license~~

- (4) Section 626.611(4), F.S. – suspension 6 ~~3~~ months
- (5) Section 626.611(5), F.S. – suspension 9 ~~6~~ months
- (6) Section 626.611(6), F.S. – suspension 9 ~~6~~ months
- (7) through (9) No change.
- (10) Section 626.611(10), F.S. – suspension 12 ~~9~~
- (11) Section 626.611(11), F.S. – suspension 6 months.

This provision does not apply if the facts constitute a violation of section 626.753, F.S.

- (12) through (14) No change.
- (15) Section 626.611(15), F.S. – suspension 12 ~~3~~
- (16) No change.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), ~~626.611, 626.621, 626.681, 626.691~~ FS. History–New 7-13-93, Amended 9-23-02, Formerly 4-231.080, Amended.

69B-231.090 Penalties for Violation of Section 626.621.

If it is found that the licensee has violated any of the following subsections of Section 626.621, F.S., for which suspension or revocation of license(s) and appointment(s) is discretionary, the following stated penalty shall apply:

- (1) Section 626.621(1), F.S. – revocation ~~suspension 3 months~~
- (2) through (5) No change.
- (6) Section 626.621(6), F.S. – see ~~suspension 6 months or~~ Rule 69B-231.100, F.A.C.
- (7) through (11) No change.
- (12) Section 626.621(12), F.S. – suspension 6 ~~3~~ months

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), ~~626.611, 626.621, 626.681, 626.691~~ FS. History–New 7-13-93, Formerly 4-231.090, Amended.

69B-231.100 Penalties for Violation of Subsection 626.621(6) ~~626.9541(1)~~.

If a licensee is found to have violated subsection 626.621(6), F.S., by engaging in unfair methods of competition or in unfair or deceptive acts or practices as defined in any of the following paragraphs of subsection 626.9541(1), F.S., the following stated penalty shall apply:

- (1) through (4) No change.
- (5) Section 626.9541(1)(e), F.S. – suspension 6 months; except that the penalty for a violation of Section 626.9541(1)(e)1. shall be a suspension of 12 months.
- (6) through (10) No change
- (11) Section 626.9541(1)(k), F.S. – suspension 9 ~~6~~ months
- (12) Section 626.9541(1)(l), F.S. – suspension 9 ~~6~~ months



(13) Section 626.9541(1)(m), F.S. – suspension ~~3~~ 2 months

(14) through (26) No change.

(27) Section 626.9541(1)(aa), F.S. – suspension 9 months

(28) Section 626.9541(1)(bb), F.S. – suspension 3 months

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691, 626.9541(1) FS. History–New 7-13-93, Formerly 4-231.100, Amended \_\_\_\_\_.

69B-231.110 Penalties for Violation of Other Specific Provisions of the Florida Insurance Code.

If the licensee is found to have violated any of the following provisions of the Insurance Code, the following stated penalty shall apply:

(1) Section 624.318(2) ~~626.041(2)~~, F.S. – suspension 3 months

~~(2) Section 626.051(2), F.S. – suspension 3 months~~

~~(3) Section 626.062(2), F.S. – suspension 3 months~~

~~(4)~~ Section 626.112(2), F.S. – suspension 3 months

~~(5)~~ Section 626.342(1), F.S. – suspension 3 months

~~(6)~~ Section 626.441, F.S. – suspension 6 months

(5) Section 626.536, F.S. – administrative fine of \$500

~~(6)~~(7) Section 626.541 F.S. – suspension 2 months

(7)~~(8)~~ Section 626.551, F.S. – administrative fine of not more than \$250 for the first violation; administrative fine of not less than \$500 for the second violation; administrative fine of not less than \$500 and suspension for 2 months for the third and subsequent violations.

~~(8)~~(9) Section 626.561(1), F.S. – suspension 9 months

~~(9)~~(10) Section 626.561(2), F.S. – suspension ~~3~~ 2 months

~~(10)~~(11) Section 626.572, F.S. – suspension 3 months

~~(11)~~(12) Section 626.591 ~~626.592(1)~~, F.S. – suspension ~~6~~ 3 months

~~(13) Section 626.592(4), F.S. – suspension 6 months~~

~~(14) Section 626.592(5), F.S. – suspension 9 months~~

~~(15) Section 626.592(6), F.S. – suspension 6 months~~

~~(16) Section 626.592(7), F.S. – suspension 3 months~~

(12) Section 626.593, F.S. – suspension 3 months

~~(13)~~(17) Section 626.601(2), F.S. – suspension ~~3~~ 2 months

~~(14)~~(18) Section 626.631(1), F.S. – revocation

~~(15)~~(19) Section 626.641(4), F.S. – revocation

(16) Section 626.7315, F.S. – suspension 3 months

~~(17)~~(20) Section 626.741(3), F.S. – suspension 3 months

~~(18)~~ ~~(21)~~ Section 626.741(4), F.S. – suspension 6 months

~~(19)~~(22) Section 626.747, F.S. – suspension 3 months

~~(20)~~(23) Section 626.748, F.S. – suspension 2 months

~~(21)~~(24) Section 626.752, F.S. – suspension 3 months

~~(22)~~(25) Section 626.753, F.S. – revocation

(23) Section 626.7845, F.S. – suspension 3 months

(24)~~(26)~~ Section 626.792(3), F.S. – suspension 3 months

~~(25)~~(27) Section 626.792(6), F.S. – revocation

~~(26)~~(28) Section 626.793, F.S. – suspension 2 months

~~(27)~~(29) Section 626.794, F.S. – suspension 6 months

~~(28)~~(30) Section 626.798, F.S. – suspension ~~9~~ 6 months

(29) Section 626.8305, F.S. – suspension 3 months

~~(30)~~(31) Section 626.835(3), F.S. – suspension 3 months

~~(31)~~(32) Section 626.835(6), F.S. – revocation

~~(32)~~(33) Section 626.837, F.S. – suspension 6 months

~~(33)~~(34) Section 626.8373, F.S. – suspension 6 months

~~(34)~~(35) Section 626.838, F.S. – suspension 6 months

~~(35)~~(36) Section 626.901(1), F.S. – suspension 6 months

~~(36)~~(37) Section 626.901(2), F.S. – suspension 12 months

(37) Section 627.4554, F.S. – suspension 12 months

(38) Section 627.901, F.S. – suspension 3 months

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.110, Amended \_\_\_\_\_.

69B-231.120 Penalties for Violation of Other Insurance Code Provisions.

If the licensee is found to have violated a provision of the Insurance Code, the stated penalty, unless otherwise prescribed in these rules or in the code provision violated, shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.120, Repromulgated \_\_\_\_\_.

69B-231.130 Penalties for Violation of Department Rules.

If the licensee is found to have violated a Department rule, the stated penalty, unless otherwise prescribed in these rules or in the specific rule violated, shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.130, Repromulgated \_\_\_\_\_.

69B-231.140 Penalties for Violation of Department Orders.

If a licensee is found to have violated a Department order, the stated penalty shall be a six (6) month suspension if the violation was willful, or shall be a three (3) month suspension if the violation was nonwillful, unless the penalty is prescribed in the order itself; except that if a licensee or an affiliated party transacts insurance in violation of an order of suspension, the penalty shall be revocation of license(s) and appointment(s) if the violation was willful, or shall be an additional suspension of three (3) months if the violation was nonwillful.

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.681, 626.691 FS. History–New 7-13-93, Formerly 4-231.140, Amended \_\_\_\_\_.

69B-231.150 Criminal Proceedings.

~~(1) If it is found that a licensee has violated either Section 626.611(14) or 626.621(8), F.S., the following stated penalty shall apply:~~

~~(1)(a) If a the licensee is convicted by a court of a violation of the Insurance Code or a felony (regardless of whether or not such felony is related to an insurance license), the penalty shall be immediate revocation.~~

~~(2)(b) If a the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, which is a crime involving involves moral turpitude and is a crime involving breach of trust or dishonesty, the penalty shall be revocation.~~

~~(3)(e) If a the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, which is a crime involving involves moral turpitude or is a crime involving breach of trust or dishonesty, the penalties are as follows:~~

~~(a) If the conduct directly relates to activities involving the business of insurance an insurance license, the penalty shall be revocation a 24 month suspension.~~

~~(b) If the conduct indirectly relates to the business of insurance or involves dishonesty or breach of trust, such as theft of money or property, or mishandling or misappropriation of money, the penalty shall be a 12 month suspension.~~

~~(c) If the conduct is not related to the business of insurance and does not involve dishonesty or breach of trust license, the penalty shall be a 6 month suspension.~~

~~(4)(d) If a the licensee is not convicted of, but has been found guilty of or has pleaded guilty or nolo contendere to, a felony or a crime punishable by imprisonment of 1 year or more under the laws of the United States of America or of any state thereof or under the law of any other country, which is not a crime involving does not involve moral turpitude and is not a crime involving breach of trust or dishonesty, the penalties are as follows:~~

~~(a) If the conduct directly relates to the business of insurance activities involving an insurance license, the penalty shall be a 24-month suspension.~~

~~(b) If the conduct indirectly relates to the business of insurance involves dishonesty or breach of trust such as theft of money or property, or mishandling or misappropriation of money, the penalty shall be a 12-month suspension.~~

~~(c) If the conduct is not related to the business of insurance license, the penalty shall be a 3-month suspension.~~

~~(2) Foreign Law Enforcement Records. In the event that a law enforcement record includes convictions, charges, or arrests outside the United States, the Department shall consider the following factors to reduce, eliminate, or apply a waiting period:~~

~~(a) Whether the crime in the criminal record would be a crime under the laws of the United States or any state within the United States;~~

~~(b) The degree of penalty associated with the same or similar crimes in the United States; and~~

~~(c) The extent to which the foreign justice system provided safeguards similar to those provided criminal defendants under the Constitution of the United States.~~

Specific Authority 624.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), ~~626.601, 626.611, 626.621, 626.631, 626.631(1), 626.681, 626.691~~ FS. History–New 7-13-93, Amended 9-23-02, Formerly 4-231.150, Amended.

69B-231.160 Aggravating/Mitigating Factors.

The Department shall consider the following aggravating and mitigating factors and apply them to the total penalty in reaching the final penalty assessed against a licensee under this rule chapter. After consideration and application of these factors, the Department shall, if warranted by the Department’s consideration of the factors, either decrease or increase the penalty to any penalty authorized by law.

(1) For penalties other than those assessed under Rule 69B-231.150, F.A.C.:

- (a) Willfulness of licensee’s conduct;
  - (b) Degree of actual injury to victim;
  - (c) Degree of potential injury to victim;
  - (d) Age or capacity of victim;
  - (e) Timely restitution;
  - (f) Motivation of licensee agent;
  - (g) Financial gain or loss to licensee agent;
  - (h) Cooperation with the Department;
  - (i) Vicarious or personal responsibility;
  - (j) Related criminal charge; disposition;
  - (k) Existence of secondary violations in counts;
  - (l) Previous disciplinary orders or prior warning by the Department; and
  - (m) Other relevant factors.
- (2) No change.

Specific Authority 626.308, 626.207(2) FS. Law Implemented 624.307(1), 624.308, 626.207(2), 626.611, 626.621, 626.631, 626.681, 626.9541 FS. History–New 7-13-93, Formerly 4-231.160, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Philip Fountain, Assistant Director, Division of Agent and Agency Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Alice Palmer, Director, Division of Agent & Agency Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 19, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE NO.: 69L-6.028  
RULE TITLE: Procedures for Imputing Payroll and Penalty Calculations

PURPOSE AND EFFECT: The purpose and effect of the amendment to the rule is to clarify that the department will not recalculate the employer's imputed payroll when the employer has provided business records sufficient for the department to determine the employer's payroll after forty-five days from the date the employer received a written request to produce business records, and that the imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be based upon the highest rated workers' compensation classification code of the employer, unless the employer's business records demonstrate the assignment of an alternative classification code.

SUMMARY: Calculation of employer penalties where the employer has failed to provide business records sufficient to enable the department to determine payroll for the period requested.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(5)(2002), 440.107(7)(e) FS.

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

DATE AND TIME: July 11, 2006, 2:00 p.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.028 Procedures for Imputing Payroll and Penalty Calculations.

(1) through (2) No change.

(a) through (c) No change.

(d) The imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be assigned to the highest rated workers' compensation classification code associated with the employer's business activities, unless the employer's business records demonstrate the assignment of an alternative workers' compensation classification code.

(3) If subsequent to imputation of weekly payroll pursuant to subsection (2) herein, but before and only until the expiration of forty-five calendar days from the receipt by the employer of written request to produce business records, the employer provides business records sufficient for the department to determine the employer's payroll for the period requested for the calculation of the penalty pursuant to Section 440.107(7)(e), Florida Statutes, the department shall recalculate the employer's penalty to reflect the payroll information provided in such business records.

(4) No change.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(5)(2002), 440.107(7)(e) FS. History--New 7-12-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Andrew Sabolic, Bureau Chief, Bureau of Compliance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Workers' Compensation, Assistant Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 17, 2006

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

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

59A-9 Abortion Clinics

**CORRECTED NOTICE OF PROPOSED RULEMAKING**

**PURPOSE AND EFFECT:** The Agency proposes to revise Rule 59A-9, Florida Administrative Code, consistent with provisions of Chapter 2005-95, Laws of Florida, which revised Section 390.012, F.S. The law provides for adoption of rules for regulation of clinics providing abortions after the first trimester of pregnancy.

**SUMMARY:** The proposed rule revisions establish criteria for abortion clinic's physical facilities, supplies and equipment, clinic personnel, medical screening and evaluation, abortion procedures, recovery room standards, follow up care and incident reporting.

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

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

**SPECIFIC AUTHORITY:** 390.012 FS.

**LAW IMPLEMENTED:** 390.012 FS.

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

**DATE AND TIME:** June 22, 2006, 1:00 p.m. – 5:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, FL 32308

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** M. Riley Gibson, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)922-7752

**THE FULL TEXT OF THE PROPOSED RULE IS:**

Unchanged from published on May 26, 2006.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.:

59A-18.002

59A-18.004

59A-18.0081

RULE TITLES:

Definitions

Licensure Requirements, Procedures, and Fees

Certified Nursing Assistant and Home Health Aide

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in the Vol. 32, No. 6, February 10, 2006, issue of the Florida Administrative Weekly, and the Notice of Change published in the Vol. 32, No. 18, May 5, 2006, issue of the Florida Administrative Weekly. The changes are made to address comments received from the Joint Administrative Procedures Committee.

The changes are as follows:

59A-18.002 Definitions.

(1) ~~“Administrator” means managing employee, or other similarly titled individual who is responsible for the daily operation of the nurse registry, pursuant to Section 400.506 and 400.512, F.S.~~

59A-18.004 Licensure Requirements, Procedures, and Fees.

1. Paragraph (4) shall now read:

(4) An initial licensure application shall include: Initial licensure – An application for an initial license to operate a nurse registry shall be submitted for a new operation or change of licensee accompanied by a non-refundable license fee of \$2,000 for each site in operation to be licensed, and must be submitted and signed under oath on AHCA Form 3110-7001, Nurse Registry Application for Initial License, Revised May 2006 ~~December 2005~~, which is incorporated by reference, provided by the agency, and shall include:

(a) through (h) No change.

(i) A signed Affidavit of Compliance with Screening Requirements, AHCA Form 3110-1014, Revised May 2006, incorporated by reference, from the administrator, stating that the administrator, the financial officer, and each direct care contractor who enters the home of patients or clients and who was registered with the nurse registry on or after October 1, 2000 has been screened in accordance with level 1 standards for good moral character and that the remaining contractors have been continuously registered with the nurse registry since before October 1, 2000, pursuant to Section 400.512(2), F.S.

1. Screening for the administrator, or similarly titled individual who is the managing employee responsible for the daily operation of the nurse registry, and for the financial officer, or similarly titled individual who is responsible for the financial operation of the nurse registry, including billings for

patient care and services, shall be in accordance with level 2 standards for screening set forth in Chapter 435 and in accordance with Section 400.506(2), F.S. The fingerprint card for level 2 screening for the administrator and the financial officer can be obtained from, and must be submitted to, the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308. Screening processing fees for level 2 screening shall be made payable to the Agency for Health Care Administration.

2. Level 1 screening, shall be done in accordance with screening standards as provided in chapter 435, F.S., and as required in Section 400.512, F.S., for each contractor, shall consist of:

~~a. Submission of the Level 1 Criminal History Request, AHCA Form 3110-002, Revised July 2005, incorporated by reference, to the Background Screening Unit, AHCA, 2727 Mahan Drive Mail Stop 40, Tallahassee, Florida 32308 or to the Florida Department of Law Enforcement, Crime Information Bureau, Post Office Box 1489, Tallahassee, Florida 32302.~~

~~b. This form may be obtained at the Agency for Health Care Administration web site, <http://ahea.myflorida.com>, at the Background Screening Unit page. The cost of processing the criminal records check shall be borne by the nurse registry or the contractor being screened, at the determination of the administrator of the nurse registry. The checks for level 1 screening shall be made payable to AHCA when forms are submitted to the Background Screening Unit at AHCA for the criminal records check. When forms are submitted to the Florida Department of Law Enforcement, the check shall be made payable to the Florida Department of Law Enforcement.~~

(j) through (m) No change.

2. The form referenced in subsection (4), AHCA Form 3110-7001, Nurse Registry Application for Initial License, Revised May 2006, is revised as follows:

Three items are deleted from the application checklist cover page: completion of the Affidavit of Good Moral Character, AHCA Form 3110-0001; submission of proof of liability insurance; and submission of a plan for hiring independent contractors.

The following items are changed on the application checklist cover page: the AHCA Form 3110-1014 is changed from an Affirmation to an Affidavit of Compliance with Screening Requirements; the opening statement is changed to show that all direct care staff contracted with have been screened using the level 1 standards rather than meeting the minimum standards of good moral character, and shows a revised date of May 2006; the AHCA Form 3110-1015, Volunteer Board Member Statement, shows a revised date of May 2006 since a statement is added specifying that the form is only required from not for profit entities and referencing the statutes authorizing completion of this form; the proof of

employer identification number from the IRS is added since it is already requested on Page 2 of the form; and the resume of the Alternate Administrator is added since it is already requested on Page 3 of the form.

The date of birth and the educational background for the Administrator is deleted on Page 3. The date of birth is not required and the educational background is included on the resume that is already required to be submitted with the application.

On Page 7, Item VII, Affidavit, the statement by the applicant has been changed to “state” rather than “swear (or affirm)”; a statement quoting Section 837.06, F.S., is added and the notary section is changed to “Acknowledged” rather than “Subscribed and sworn to or affirmed”.

3. Subsection (7) shall now read:

(7) An application for renewal of a registry license shall be submitted, as referenced in Section 400.506(5), F.S., not less than 60 days prior to expiration of the license. The submission shall be on AHCA Form 3110-7004, Nurse Registry Application for Renewal of License, ~~May 2006~~ December 2005, incorporated by reference, and shall include a renewal fee of \$2,000. The application shall include: All of the information required by paragraphs (4)(a) through ~~(i)(m)~~ above.

4. The referenced form in subsection (7), Nurse Registry Application for Renewal of License, AHCA Form 3110-7004, May 2006, is revised as follows:

Two items are deleted from the application checklist cover page: completion of the Affidavit of Good Moral Character, AHCA Form 3110-0001; and submission of evidence of current liability insurance.

The following items are changed on the application checklist cover page: the AHCA Form 3110-1014 is changed from an Affirmation to an Affidavit of Compliance with Screening Requirements; the opening statement is changed to show that all direct care staff contracted with have been screened using the level 1 standards rather than meeting the minimum standards of good moral character, and shows a revised date of May 2006; and the AHCA Form 3110-1015, Volunteer Board Member Statement, shows a revised date of May 2006 since a statement is added specifying that the form is only required from not for profit entities and referencing the statutes authorizing completion of this form.

The date of birth and the educational background for the Administrator is deleted on Page 3. The date of birth is not required and the educational background is included on the resume that is already required to be submitted with the application.

Information on independent contractors and numbers of non-licensed personnel contracted, Item III B on Page 4, is deleted from the form.

“5% or more percent” is inserted in Item IV C, Business Identification, for ownership information.

On Page 7, Item VII, Affidavit, the statement by the applicant has been changed to “state” rather than “swear (or affirm)”; a statement quoting Section 837.06, F.S., is added and the notary section is changed to “Acknowledged” rather than “Subscribed and sworn to or affirmed”.

59A-18.0081 Certified Nursing Assistant and Home Health Aide.

1. Subsection (2) shall now read:

(2) Be responsible for documenting services provided to the patient or client and for filing said documentation with the nurse registry on a regular basis. These service logs will be stored by the nurse registry in the client’s file, ~~along with a record of requested registered nurse visits~~. The service logs shall include the name of the patient or client and a listing of the services provided;

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jan Benesh, Licensed Home Health Programs Unit, Bureau of Health Facility Regulation, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308, [beneshj@ahca.myflorida.com](mailto:beneshj@ahca.myflorida.com).

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE NO.: 59C-1.021  
 RULE TITLE: Certificate of Need Penalties  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S, published in Vol. 32, No. 12, March 24, 2006, issue of the Florida Administrative Weekly.

THE FULL TEXT OF PROPOSED RULE CHANGES:

59C-1.021 Certificate of Need Penalties.

(3)(a) Facilities failing to comply with any conditions or failing to provide the certificate of need office with a report on its compliance with conditions set forth on the ~~c~~Certificate of ~~n~~Need or certificate of need exemption, will be assessed a fine, not to exceed \$1,000 per failure per day. In assessing the penalty the agency shall take into account the degree of noncompliance. Fines for noncompliance with an indigent care condition may be assessed using the following formula unless the condition noncompliance is found to be willful under paragraph (3)(b). Fines for willful noncompliance may be assessed in an amount greater than the fine assessed using the following formula:

CAGP = the service condition agreed to by certificate of need or certificate of need exemption holder

ACTP = the actual percentage of service provided by the certificate of need or the certificate of need exemption holder during the reporting year

FAMT = dollar amount of the fine

$$FAMT = \$365,000 \times (CAGP - ACTP) / CAGP$$

Indigent care includes charity care and Medicaid. Charity care is defined, for purposes of condition compliance, as the portion of the facility charges reported to the Agency for Health Care Administration for which there is no compensation, other than restricted or unrestricted revenues provided to a facility by local governments or tax districts regardless of the method of payment, for care provided to a patient whose family income for the twelve months preceding the determination is less than or equal to 200 percent of the federal poverty level unless the amount of charges due from the patient exceed 25 percent of the annual family income. However, in no case shall the facility charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. Medicaid patient days is defined, for purposes of condition compliance, as the patient days reimbursed by Medicaid.

(b) The existence of, but not limited to, one or more of the following circumstances may evidence willful condition noncompliance, allowing the agency to impose fines in excess of the calculated FAMT, but the total fine shall not exceed \$365,000:

1. The CON or CON exemption holder fails to meet its indigent care condition when the condition is below the rate of indigent care provided by all other facilities in the planning area for the reporting period; or

2. The CON or CON exemption holder has been fined for condition noncompliance for any of the previous 3 years’ CON condition compliance reporting periods.

(3)(c) No change.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

RULE CHAPTER NO.: 61-6  
 RULE TITLE: Biennial Licensing  
 RULE NO.: 61-6.022  
 RULE TITLE: Department General Forms

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment, as noticed in Vol. 32, No. 3, January 20, 2006 issue, Florida Administrative Weekly have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Martinez, Deputy General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399-2202

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-14.003	Renewal of Slot Machine Licenses
61D-14.006	Occupational License Application Requirements for Business Entities
61D-14.013	Pari-Mutuel Occupational License Transition Period Provisions
61D-14.016	Operational Requirements
61D-14.019	Compulsive or Addictive Gambling Prevention Program
61D-14.022	Slot Machine Requirements
61D-14.024	Logic Compartment
61D-14.040	Game Cycle, Payment of Credits by Ticket Printer, and Ticket Redemption
61D-14.042	Accounting and Occurrence Meter Specifications
61D-14.056	Security and Surveillance Logs
61D-14.061	Slot Cash Storage Boxes
61D-14.072	Cashier's Cage, Satellite Cages, Vaults, and Accounting Controls
61D-14.073	Meter Readings
61D-14.081	Monthly Remittance Reports

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 32, No. 17, April 28, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments received from interested parties in the pari-mutuel industry and the Joint Administrative Procedures Committee, and comments made at a public rule hearing on May 23, 2006.

61D-14.003 Renewal of Slot Machine Licenses.

(1) No change.

(2) The license period for a renewed slot machine license shall be 1 year, which shall be concurrent with the pari-mutuel wagering annual license issued pursuant to Section 550.01215 or Section 550.5251, Florida Statutes.

(3) through (4) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.104(4) FS. History—New \_\_\_\_\_.

61D-14.006 Occupational License Application Requirements for Business Entities.

~~(1) No business entity, including a sole proprietorship, shall manage, oversee, or provide services for slot machine operations or provide services, products or goods to a slot machine licensee unless the entity is licensed by the division as a slot machine business entity occupational licensee. The slot~~

machine occupational license requirements of this section apply to any business entities, including sole proprietorships, as follows:

(a) A business entity that acts as a slot machine management company, slot machine manufacturer or distributor, or sells slot machine gaming related products, services or goods to a slot machine licensee, ~~or~~ whose employees may be granted access to the designated slot machine area by reason of the employment position they hold with the business entity shall apply for a business entity occupational license; and

(b) Business entities that do not supply slot machine gaming related products, goods or services, or goods are not required to hold a business occupational license. However, the slot machine licensee shall be required to maintain a list of employees as required by ~~of such a business who may occasionally require incidental access to slot machine gaming areas in its security plan referenced in~~ paragraph 61D-14.051(4)(k), F.A.C.

(2) through (3)(1) No change.

(m) A list of all ownership interests of five percent or greater. If a corporation, the name of the state in which incorporated and the names and addresses of the officers, directors, and shareholders holding five percent or more equity or, if a business entity other than a corporation, the names and addresses of the principals, partners, shareholders or any other person holding five percent or more equity;

(n) The names and addresses of the ultimate equitable owners for a corporation or other business entity, if different from those provided under paragraph (3)(h), unless:

1. The securities of the corporation or entity are registered pursuant to Section 12 of the Securities Exchange Act of 1934, 15 United States Code Sections 78a-78kk;

2. If such corporation or entity files with the United States Securities and Exchange Commission the reports required by Section 13 of the act above, or if the securities of the corporation or entity are regularly traded on an established securities market in the United States;

~~(o)(m)~~ If the applicant is a corporation, the application shall also disclose:

1. through 6. No change.

~~(p)(m)~~ A list of slot machine licensees to whom the applicant intends to provide services, products or goods.

(4) through (7) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(4)(a) FS. History—New \_\_\_\_\_.

61D-14.013 Pari-Mutuel Occupational License Transition Period Provisions.

(1) Any person who on the effective date of these regulations possesses a pari-mutuel wagering occupational license and is required by Section 551.107(2), Florida Statutes, to obtain a slot machine occupational license, shall file an

initial application for a slot machine license within ~~ninety thirty~~ days following the effective date of this section ~~these regulations~~. Such a person, except for a person who obtained a license through the waiver process of Section 550.105(5)(c), Florida Statutes, and Rule 61D-5.006, F.A.C., is authorized to work in the slot machine area of a slot machine licensee until such time as the initial application for a slot machine occupational license has been granted or denied.

(2) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), 551.107(2)(b) FS. History–New \_\_\_\_\_.

61D-14.016 Operational Requirements.

(1) through (7) No change.

(8) No slot machine or any part of the logic compartment referenced in Rule 61D-14.024, F.A.C., shall be removed from its location designated by the facility floor plan without prior written notification to the surveillance department and, the division or FDLE.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (e), (g), (h), (i), 551.113(3), 551.114 FS. History–New \_\_\_\_\_.

61D-14.019 Compulsive or Addictive Gambling Prevention Program.

(1) through (2) No change.

(3) Training shall be conducted within thirty (30) days of the employee's hire date. Certification of such training shall be maintained onsite ~~in each employee's personnel file~~.

(4) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(a), (b), (g), (i), 551.104(4)(i), 551.118(1) FS. History–New \_\_\_\_\_.

61D-14.022 Slot Machine Requirements.

(1) through (3) No change.

(4) ~~Electrical testing of slot machines shall be performed by a licensed independent test laboratory. Electrical testing is the responsibility of the manufacturer, purchaser, and operator of the equipment.~~ A slot machine shall be able to withstand the following tests, resuming game play without operator intervention:

(a) through (12) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (h), (i) FS. History–New \_\_\_\_\_.

61D-14.024 Logic Compartment.

(1) No change.

(2) Once a slot machine has been certified by a licensed independent laboratory and the division or FDLE have verified software program of the slot machine, the division or FDLE shall apply evidence tape to all program storage media, both

writable or non-writable, including EPROM, DVD, CD-ROM, and any other type of program storage devices, and logic compartments prior to the slot machine being offered for play.

(3) Any occupational licensee who observes a break in the security tape, or that security tape has been tampered with, fallen off, or has been removed from within the logic compartment shall immediately notify security and surveillance, and the slot machine shall be shut down. Security shall notify the division or FDLE. Such a slot machine shall not be offered for play until the division or FDLE has examined the slot machine and determined that there has been no tampering and that the slot machine is in compliance with Chapter 551, Florida Statutes, and Chapter 61D-14, F.A.C.

(4) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (i) FS. History–New \_\_\_\_\_.

61D-14.040 Game Cycle, Payment of Credits by Ticket Printer, and Ticket Redemption.

(1) through (5) No change.

(6) Any adjustment made to any ticket or voucher shall require two approval signatures, of which at least one of the signatures shall be by a supervisor, and all changes shall be contained in a log indicating: ~~who, what, when, the item value before and after the change, and the reason for the adjustment.~~

(a) The names and occupational license numbers of the employees of the slot machine licensee who approved the adjustment;

(b) What adjustment was made to the ticket or voucher;

(c) When the adjustment was made;

(d) The item value before and after the change; and

(e) The reason the adjustment was made.

(7) through (8) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (i) FS. History–New \_\_\_\_\_.

61D-14.042 Accounting and Occurrence Meter Specifications.

(1) There shall be a minimum of two (2) electro-mechanical meters contained in each slot machine. One electro-mechanical meter shall measure total credits into the slot machine. The other electro-mechanical meter shall measure total credits ~~paid~~ out of the slot machine.

(2) through (5) No change.

(6) All electronic meters required by this section, except those described in subsection (5), shall communicate their information to the facility based monitoring system.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (d), (e), (g) FS. History–New \_\_\_\_\_.

61D-14.056 Security and Surveillance Logs.

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



(d) Description of the activity observed or performed for any and all unusual occurrences observed by a surveillance employee;

(e) through (2) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(g), (i), 551.104(4)(h) FS. History–New \_\_\_\_\_.

61D-14.061 Slot Cash Storage Boxes.

(1) No change.

(a) Have ~~a two~~ separate locks that shall only be opened by a keys that is secured under the slot machine licensee’s system of internal controls as provided in subsection 61D-14.053(2), F.A.C. are different from each other;

(b) through (3) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i) FS. History–New \_\_\_\_\_.

61D-14.072 Cashier’s Cage, Satellite Cages, Vaults, and Accounting Controls.

(1) through (2) No change.

(3) Satellite cages shall be designed and constructed in compliance with the provisions of subsection (2), except that satellite cages shall not be required to utilize a double door entry system as required by subparagraph (2)(c)1. Satellite cages shall have surveillance camera coverage and utilize a lockable door.

~~(4)(3)~~ Each vault shall include the following:

(a) through (c) No change.

~~(5)(4)~~ Vaults shall be under the control of the accounting department. The storage or removal of currency from vaults shall be documented, and the amount of currency in each vault shall be reconciled daily.

~~(6)(5)~~ The cashiers assigned to an outgoing shift shall record on a daily cashier’s count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory.

~~(7)(6)~~ At the end of the slot machine licensee’s hours of operation for each day, a copy of the cashier’s count sheets and related documentation shall be forwarded to the accounting department for agreement with opening and closing inventories.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), (i) FS. History–New \_\_\_\_\_.

61D-14.073 Meter Readings.

(1) Accounting department employees shall at least once a month manually read and record all meters referenced in subsections 61D-14.042(1)-(2), F.A.C., and reconcile those readings with the information on the facility based monitoring system.

(2) through (3) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e), ~~(e)~~, (i) FS. History–New \_\_\_\_\_.

61D-14.081 Monthly Remittance Reports.

(1) through (2) No change.

(a) “Credits In” shall include all credits ~~registered~~ on the ‘total in meter’ of a slot machine referenced in subsection 61D-14.042(1), F.A.C.; and

(b) “Credits Out” shall include all credits ~~registered~~ on the ‘total out meter’ of a slot machine referenced in subsection 61D-14.042(1), F.A.C.

(3) No change.

(4) Tickets ~~and~~ ~~or~~ vouchers which remain unclaimed after 30 days shall be accounted for as taxable slot machine revenue reported as referenced in subsection (1).

(5) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (g), 551.106(3) FS. History–New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologist**

RULE NO.: 61G16-3.001  
 RULE TITLE: Schedule of Fees Adopted by the Board  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 23, June 9, 2006, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NOS.: 64B8-8.0011  
 64B8-8.0012  
 RULE TITLES: Standard Terms Applicable to Orders  
 Probation Variables

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 9, of the March 3, 2006, issue of the Florida Administrative Weekly (FAW). The changes are in response to additional written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board filed a previous Notice of Change for these rules in Vol. 32, No. 19, of the May 12, 2006, FAW. Following publication of the Notice of Change, the Board received additional comments from JAPC. The Rules

Committee, at its meeting held on June 1, 2006, approved additional changes to the rules to address the written comments, and the Board, at its meeting held on June 2, 2006, voted to accept the recommendation of the Rules Committee. The additional changes are as follows:

1. In subsection (1) of Rule 64B8-8.0011, under the heading "PAYMENT OF FINES AND COSTS," the phrase "Unless otherwise directed by Board Order," shall be deleted.

2. In subsection (3) of Rule 64B8-8.0011, under the heading "COMPLIANCE ADDRESS," the phrase "Unless otherwise directed," shall be deleted.

3. In subsection (4)(a) of Rule 64B8-8.0011, the last sentence of the introductory paragraph shall be reworded to read as follows: "The following requirements shall be tolled until the Respondent returns to active practice:"

4. The introductory paragraph of subsection (5) of Rule 64B8-8.0011 shall be reworded to read as follows: "COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. All community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (3) above."

5. The following language shall be added at the end of Subsection (5)(a) of Rule 64B8-8.0011: "Community service plans must be pre-approved by the Board's Probationer's Committee."

6. The last sentence of subsection (5)(b) of Rule 64B8-8.0011, shall be reworded to read: "Said continuing education courses must be pre-approved by the Board's Probationer's Committee and shall consist of a formal live lecture format."

7. In subsections (6)(a)1. and 2. of Rule 64B8-8.0011, all phrases stating "unless otherwise approved by the Board," and "unless otherwise approved by the Board or its designee," shall be deleted.

8. In subsections (6)(b)1. of Rule 64B8-8.0011, the phrase "unless otherwise ordered by the Board," shall be deleted.

9. In subsection (6)(c) of Rule 64B8-8.0011, the reference to "subsection (4) above" shall be changed to "subsection (3) above."

10. In the first sentence of subsection (2) of Rule 64B8-8.0012, the phrase "board-certified" shall be inserted before the word "physician."

11. In subsection (2)(b) of Rule 64B8-8.0012, the reference to paragraph 64B8-8.0011(7)(c) shall be changed to paragraph 64B8-8.0011(6)(c).

12. In the first sentence of subsection (3) of Rule 64B8-8.0012, the phrase "board-certified" shall be inserted before the word "physician."

13. In the first sentence of subsection (4) of Rule 64B8-8.0012, the phrase "board-certified" shall be inserted before the word "physician."

14. In subsection (5) of Rule 64B8-8.0012, the phrase "Unless otherwise approved by the Board or the Chairperson of the Probationer's Committee" shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Agent and Agency Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69B-220.001	Pre-qualification and Licensure of Emergency Adjusters
69B-220.051	Conduct of Public Adjusters
69B-220.201	Ethical Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 32, No. 7, February 17, 2006, have been withdrawn.

**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 ENVIRONMENTAL PROTECTION**

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

**Section V  
Petitions and Dispositions Regarding Rule  
Variance or Waiver**

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

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

**PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Peoples Gas System's, petition for waiver of paragraph 25-7.045(8)(a), Florida Administrative Code, filed on March 8, 2006, in Docket No. 060199-GU, was approved by the Commission at its April 18, 2006, Agenda Conference. Order No. PSC-06-0379-PAA-EU, issued May 8, 2006, memorialized the decision. The rule requires companies to file a depreciation study at five year intervals. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the Florida Administrative Weekly on March 24, 2006.

A copy of the Order can be obtained from either the: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770, or the Commission's Homepage at <http://www.floridapsc.com>

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from BellSouth Telecommunications, Inc. in Docket No. 060430-TL, filed June 1, 2006, seeking waiver from Rule 25-4.079(5), Florida Administrative Code. The rule addresses that each LEC shall, pursuant to tariff, provide specialized customer premises equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE shall be priced to cover fully allocated costs without inclusion of a rate of return on investment component. Each LEC shall provide at least one type of each of the following categories of specialized CPE: (a) Audible ring signalers; (b) Visual ring signalers; (c) TDDs; (d) Volume control handsets.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice. For additional information, please contact: Lee Eng Tan, Division of Legal Services, at the above address or telephone (850)413-6185.

**WATER MANAGEMENT DISTRICTS**

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on June 1, 2006 from Garvey Development, LLC. Pursuant to Section 120.542, Florida Statutes, Garvey Development, LLC is seeking a variance from subparagraph 40C-41.063(1)(c)1., 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 4-009-104215-1. The permit applicant is proposing to

construct a road extension and a residential development project, to be known as Garvey Road Extension and Osprey Landing, respectively, 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. 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 2006-66.

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, (386)329-4488.

NOTICE IS HEREBY GIVEN that on May 31, 2006, South Florida Water Management District (District) received a petition for waiver from Gary Richer, Application No. 06-0418-2, for utilization of Works or Lands of the District known as the C-14 Canal, Broward County for an existing seawall and proposed dock within the north right of way of C-14 at the rear of 1300 S. E. 3rd Terrace, Section 1, Township 49 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Florida Administrative Code, which governs the minimum low member elevation of docks within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff, (561)682-6320 or e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the: South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Kathie Ruff, Office of Counsel.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on May 31, 2006, the Bureau of Elevator Safety received a Petition for Emergency Variance from Rule 2.7.4.1, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building, requiring 7'0" clearance in machine room spaces. The petition was received from Lee Rigby of Vertical Assessments, on behalf of Dunes IV, 281 Grande Way, Naples, Florida (Petition VW 2006-149).

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.

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NOTICE IS HEREBY GIVEN that on May 31, 2006, the Bureau of Elevator Safety received a Petition for Emergency Variance from Rule 3.4.6.1, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, requiring 43 inches of clear space from the top of the elevator car to the bottom of the lowest point in the hoistway overhead. The petition was received from Lee Rigby of Vertical Assessments, on behalf of University Boulevard Nazarene Church, Jacksonville, Florida (Petition VW 2006-150).

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.

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NOTICE IS HEREBY GIVEN that on May 24, 2006, the Bureau of Elevator Safety received a Petition for Variance from Rules 2.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, which require a machine room, steel ropes and non welded terminations, from David Baskin of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Acquilus III Condominiums, Jacksonville (Petition 2006-146).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on May 17, 2006, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of

MonoSpace® elevator systems in the following location: Redfish Key Villas on Lemon Bay, Englewood (Petition VW 2006-151).

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.

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NOTICE IS HEREBY GIVEN that on May 17, 2006, Bureau of Elevator Safety received a Petition for Variance from ASME A.17.1, Sections 2.1.3.1.2(b)(1), and ASME A17.2, Section 2.29.2, as adopted by Chapter 3001.2, 2004 Florida Building Code which prohibit the locating the elevator motor in the hoistway, require hands-on access to the governor and convenient, direct line-of-sight visual contact with the drive sheave. The petition was received from Steve Powell of KONE Inc., requesting a variance to allow the installation of MonoSpace® elevator systems in the following location: Pennsylvania Hotel, St. Petersburg (Petition VW 2006-152).

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.

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NOTICE IS HEREBY GIVEN that on June 6, 2006, the Bureau of Elevator Safety received a Petition for Variance from Rules 2.1.3.1, 2.7.6, 2.18.5, 2.24.2.1, 2.24.2.2, and 2.20.1, A.S.M.E. 17.1, 2000 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, requiring access to the overspeed governor from outside the hoistway, a machine room, a minimum 3/8 inch governor rope, metallic sheaves and steel ropes with sheaves 40 times the diameter of the rope. The petition was received from Lee Rigby of Vertical Assessments, requesting a variance to allow the installation of an ISIS™ elevator system in the following location: Progress Energy Headquarters Parking Garage, St. Petersburg (Petition VW 2006-154).

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.

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The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, which was filed on February 1, 2006 by Douglas C. Percz. The Notice of Petition for Waiver or Variance was published in Vol.

32, No. 07, of the February 17, 2006, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" with regard to allowing an extension of time in passing the four test sections of the CPA Examination. The Board considered the instant Petition at a duly-noticed public meeting, held March 10, 2006, in Orlando, Florida.

The Board's Order, filed on May 26, 2006, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 490.005, F.S., would be met by granting a variance or waiver from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Board's Order may be obtained by contacting: John Johnson, Division Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, which was filed on February 7, 2006 by Keisha Hall. The Notice of Petition for Waiver or Variance was published in Vol. 32, No. 08, of the February 24, 2006, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance of paragraph 61H1-28.0052(1)(b), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" with regard to allowing for an additional sitting for the FAR section of the CPA examination. The Board considered the instant Petition at a duly-noticed public meeting, held March 10, 2006, in Orlando, Florida.

The Board's Order, filed on May 26, 2006, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 490.005, F.S., would be met by granting a variance or waiver from paragraph 61H1-28.0052(1)(b), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Board's Order may be obtained by contacting: John Johnson, Division Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

The Board of Accountancy hereby gives notice of the issuance of an Order regarding the Petition for Waiver or Variance, which was filed on January 31, 2006 by Elizabeth C. Nickles. The Notice of Petition for Waiver or Variance was published in Vol. 32, No. 06, of the February 10, 2006, Florida Administrative Weekly. The Petitioner was seeking a waiver or variance of subparagraph 61H1-33.003(5)(b)1., F.A.C.,

entitled "Continuing Professional Education" with regard to allowing continuing education credit hours, without submission of certificates of completion, to be accepted as submitted. The Board considered the instant Petition at a duly-noticed public meeting, held March 10, 2006, in Orlando, Florida.

The Board's Order, filed on May 26, 2006, granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 490.005, F.S., would be met by granting a variance or waiver from subparagraph 61H1-33.003(5)(b)1., F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Board's Order may be obtained by contacting: John Johnson, Division Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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#### **DEPARTMENT OF HEALTH**

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that it has received a petition for waiver filed on April 27, 2006, by Barry Blood, seeking a waiver from paragraph 64B4-3.003(3)(b), F.A.C., with regard to the use of the National Clinical Mental Health Counseling Examination (NCMHCE) for licensure in the State of Florida. Comments on this petition should be filed with: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at above address or telephone (850)245-4444.

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The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that it has received a petition for waiver filed on May 17, 2006, by Julio Sterling, seeking a waiver from paragraph 64B4-3.003(3)(b), F.A.C., with regard to the use of the National Clinical Mental Health Counseling Examination (NCMHCE) for licensure in the State of Florida. Comments on this petition should be filed with Board of Clinical Social Work, Marriage and Family Therapy and Mental Health

Counseling, MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at above address or telephone (850)245-4444.

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The Board of Hearing Aid Specialists hereby gives notice that it has issued an Order of Intent to deny Petition for Waiver or Variance for Rule 64B6-8.003, Florida Administrative Code, filed on March 3, 2006, by Richard Throneburg. The Board reviewed the Petition at its meeting held on March 31, 2006 in Ft. Lauderdale, Florida. The Board's Order, filed in this cause on May 10, 2006, determined that the Petition for Waiver and Variance should be Denied on the following grounds:

- (1) The Petitioner seeks a waiver of subsection 64B6-8.003(8), Florida Administrative Code. Specifically, Petitioner seeks waiver of the rule that states that applicants can only sit for or fail an examination three times.
- (2) Section 120.542(2), Florida Statutes, provide that a Petitioner seeking a waiver from a particular administrative rule must show that he or she has met the purpose of the statute underlying the rule from which waiver is sought by some other means and that the application of the rule in question creates a substantial hardship or violates principles of fairness before the agency can grant such petition.
- (3) The Petitioner has not submitted proof of a learning disability nor did Petitioner notify the Board of the need for an accommodation prior to or on the examination date.

A copy of the Petition and the Board's Order of Intent to Deny Petition for Waiver or Variance may be obtained by contacting the: Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399-3258.

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The Board of Hearing Aid Specialists hereby gives notice that it has issued an Order of Intent to Grant Petition for Waiver or Variance for Rule 64B6-8.003, Florida Administrative Code, filed on March 22, 2006, by Yolanda Alexi Rodriguez. The Board reviewed the Petition at its meeting held on March 31, 2006 in Ft. Lauderdale, Florida. The Board's Order, filed in this cause on May 10, 2006, determined that the Petition for Waiver and Variance should be granted on the following grounds:

- (1) The Petitioner seeks a waiver of subsection 64B6-8.003(8), Florida Administrative Code. Specifically, Petitioner seeks waiver of the rule that states that applicants can only sit for or fail an examination three times.
- (2) Section 120.542(2), Florida Statutes, provide that a Petitioner seeking a waiver from a particular administrative rule must show that he or she has met the purpose of the statute underlying the rule from which waiver is sought by some other

means and that the application of the rule in question creates a substantial hardship or violates principles of fairness before the agency can grant such petition.

- (3) The Petitioner has demonstrated that she is entitled to another re-take of the examination due to her previous test scores.

A copy of the Petition and the Board's Order of Intent to Grant Petition for Waiver or Variance may be obtained by contacting: the Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399-3258.

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The Board of Hearing Aid Specialists hereby gives notice that it has issued an Order of Intent to Grant Petition for Waiver or Variance for Rule 64B6-8.003, Florida Administrative Code, filed on January 20, 2006, by Anita J. Castleman. The Board reviewed the Petition at its meeting held on March 31, 2006 in Ft. Lauderdale, Florida. The Board's Order, filed in this cause on May 10, 2006, determined that the Petition for Waiver and Variance should be granted on the following grounds:

- (1) The Petitioner seeks a waiver of subsection 64B6-8.003(8), Florida Administrative Code. Specifically, Petitioner seeks waiver of the rule that states that applicants can only sit for or fail an examination three times.
- (2) Section 120.542(2), Florida Statutes, provide that a Petitioner seeking a waiver from a particular administrative rule must show that he or she has met the purpose of the statute underlying the rule from which waiver is sought by some other means and that the application of the rule in question creates a substantial hardship or violates principles of fairness before the agency can grant such petition.
- (3) The Petitioner has demonstrated that she is entitled to another re-take of the examination due to her previous test scores.

A copy of the Petition and the Board's Order of Intent to Grant Petition for Waiver or Variance may be obtained by contacting the: Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399-3258.

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NOTICE IS HEREBY GIVEN THAT ON May 24, 2006, the Department of Health, filed an Order disposing of a Petition for Waiver from the requirements of paragraph 64E-15.003(3)(b) and subsection 64E-15.004(6), Florida Administrative Code, as filed by John Simon, Petitioner for Forest Village RV Park. The petition was filed with the Department on August 1, 2005, and noticed in the Florida Administrative Weekly on August 26, 2005, Vol. 31, No. 34.

The Department determined that Petitioner's Waiver request failed to meet the provisions of Rule Chapter 64E-15, Florida Administrative Code, and Rule Chapter 28-104, Florida Administrative Code, in that the relief requested did not match the rule referenced; the Petitioner's Waiver request failed to meet the provisions of Rule Chapter 28-104, Florida Administrative Code, in that the petition failed to properly cite

the statute the rule is implementing; and the petition failed to state how the waiver would serve the underlying purposes of the statute. Therefore, the Petition for a permanent Waiver is DENIED.

A copy of the Order may be obtained from: David B. Wolfe, Bureau of Community Environmental Health, Department of Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710, (850)245-4277.

NOTICE IS HEREBY GIVEN THAT ON June 6, 2006, the Department of Health, filed an Order disposing of a Petition for Variance from the requirements of paragraph 64E-15.002(2)(b), F.A.C., as filed by Ivan King, Petitioner for Swiss Golf & Tennis Club. The petition was filed with the Department on March 8, 2006, and noticed in the Florida Administrative Weekly on March 24, 2006, in Vol. 32, No. 12. The Department determined that Petitioner was able to demonstrate that the underlying statute will be achieved or has been achieved by other means and that application of the rules would create a substantial financial hardship. Therefore, the Petition for a permanent Variance is GRANTED.

A copy of the Order may be obtained from: Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, (850)245-4005.

## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF LEGAL AFFAIRS

The Florida **Commission on the Status of Women** will hold telephone calls during the week of June 19, 2006, to which all persons are invited.

Women's Hall of Fame Committee

DATE AND TIME: June 21, 2006, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify: FCSW, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

Note: If a quorum of members does not attend, items on this agenda will be discussed as a workshop by those present, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

The **Department of Legal Affairs** announces a meeting of the Florida New Motor Vehicle Arbitration Board to which all persons are invited.

DATES AND TIME: July 6-7, 2006, 8:15 a.m.

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: Arbitration Training.

A copy of the agenda may be obtained by writing: Department of Legal Affairs, Lemon Law Arbitration Program, PL-01 The Capitol, Tallahassee, FL 32399-1050 or by telephoning (850)414-3500, ext. 4494, three days before the meeting.

Any person requiring a special accommodation to attend this meeting because of a disability or physical impairment should contact Ms. Carol Howell of the Lemon Law Arbitration Program at the number above, or if hearing or speech impaired, via the Florida Dual Relay System at 711, three days before the meeting.

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Department of Agriculture and Consumer Services** announces a meeting of the Pest Control Enforcement Advisory Council.

DATE AND TIME: July 18, 2006, 9:00 a.m. – 3:30 p.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Apopka, FL, (407)884-2034

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

A copy of the agenda may be obtained by calling: Michael J. Page, Florida Department of Agriculture and Consumer Services, (850)921-4177.

The Florida **Department of Agriculture and Consumer Services** announce a Notice of the Feed Technical Council to which all persons are invited.

DATE AND TIME: Thursday, July 13, 2006, 10:00 a.m.

PLACE: Longboat Key Club Resort, 301 Gulf of Mexico Drive, Longboat Key, Florida 34228

GENERAL SUBJECT MATTER TO BE CONSIDERED: Feed Technical Council Meeting.

CONTACT PERSON: You may contact Mr. Dale Dubberly, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8, L-29, Tallahassee, Florida 32399-1650, (850)488-8731.

If special accommodations are needed to attend this meeting because of a disability, please call Dale Dubberly as soon as possible.

The Private Investigation, **Recovery and Security Advisory Council** announce two public meetings to which all persons are invited.

DATE AND TIME: Thursday, September 14, 2006, 9:00 a.m.

PLACE: Marriott West Palm Beach, 1001 Okeechobee Blvd., West Palm Beach, Florida, (561)833-1234

DATE AND TIME: Thursday, December 7, 2006, 9:00 a.m.  
 PLACE: Hampton Inn and Suites, 3388 Lonnbladh Road, Tallahassee, Florida, (850)574-4900  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The quarterly meeting of the Council pursuant to the requirement of Section 493.6104(4), Florida Statutes. The Council will conduct a general business meeting.  
 A copy of the agenda may be obtained by writing: Department of Agriculture and Consumer Services, Division of Licensing, Attention: April Howard, Post Office Box 6687, Tallahassee, Florida 32314-6687, (850)245-5500.  
 In accordance with the Americans with Disabilities Act, persons needing a special accommodation to attend the meeting should contact the Director, Division of Licensing not later than 48 hours prior to the meeting at the address given on the notice.

**DEPARTMENT OF EDUCATION**

The Florida **Department of Education**, Office of Independent Education and Parental Choice announces a public hearing of the Charter School Review Panel to which all persons are invited.  
 DATE AND TIME: June 26, 2006, 9:00 a.m. – 4:00 p.m.  
 PLACE: 325 W. Gaines Street, Conference Room 1703/07, Tallahassee, Florida 32399-0400.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Education shall regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools.  
 Special Accommodations: Persons with disabilities who require assistance to participate in these hearings are requested to contact the: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

The **Department of Education, Division of Blind Services'** Business Enterprises Program announces a special Teleconference Meeting of the State Committee of Vendors.  
 DATE AND TIME: June 26, 2006, 7:00 p.m. – 8:30 p.m., or when all business is concluded  
 PLACE: To attend this teleconference meeting an interested party will need to call Toll Free (888)461-8118 or (850)414-5775 if within the Tallahassee calling area  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendation and approval of additional Grievance Board members and potential alterations to the Selection Panel methodology.

The **Department of Education, Division of Blind Services'** Business Enterprises Program announces a Grievance Board meeting all persons are invited.

DATE AND TIME: June 29, 2006, 1:30 p.m. – until all business is concluded  
 PLACE: The Division of Blind Services District Office (Conference Room), 401 N. W. 2nd Avenue, Room S-712, Miami, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Disagreement regarding Division's decision to revoke the License of a Business Enterprises' licensee.

The State of Florida, **Department of Education, Education Practices Commission** announces a Teacher Hearing Panel, to which all persons are invited.

DATE AND TIME: June 21, 2006, 9:00 a.m.  
 PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.  
 If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.  
 Additional information may be obtained by writing to: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.  
 SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact: Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The Florida **Atlantic Research and Development Authority** will hold its regularly scheduled meeting to which all interested parties are invited.

DATE AND TIME: Wednesday June 21, 2006, 8:00 a.m.  
 PLACE: Board of Trustees Room, FAU Admin. Building, 3rd Floor, 777 Glades Road, Boca Raton, Florida 33431  
 Items to be discussed include potential future tenants of the Research Park, and items of general business. For detailed agenda or other information contact: Scott Ellington, (561)416-6092, Scott@research-park.org

The **Commission for Independent Education** announces a Commission meeting to which all persons are invited.  
 Commission Meeting

DATE AND TIME: July 10, 2006, 8:00 a.m.  
 PLACE: The Westin Diplomat Resort and Spa, 3555 South Ocean Drive, Hollywood, Florida 33019



GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission for Independent Education will consider disciplinary matters, Informal Hearings, Institutions Ordered to Appear Back before the Commission, New Applications for Licensure, and Institutional Applications for Program Modifications and Additional Programs, as well as all other licensure applications and other general Commission business to include Annual Licensure, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Licensure Extensions, Requests for Extension of Time and Extension to Comply with Contingencies, Substantive Change Applications, Name Change Applications, and Elective Clerkships Applications, Attorney and Executive Director reports, as well as Applications for Exemptions for Religious Colleges, Reports of School Closures, Agent License Reports and Applications.

A copy of the agenda may be obtained by writing: The Commission Office at Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State concern using the Florida Dual Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Standards and Training Commission**, Region IV Training Council announces a teleconference meeting, to which all interested parties are invited.

DATE AND TIME: June 28, 2006, 10:00 a.m.

PLACE: Santa Fe Community College, Institute of Public Safety, 3737 N. E. 39th Avenue, Gainesville, FL 32609; (352)334-0357

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss FY 2006-2007 Region IV Training Trust Fund budget and anticipated reductions.

A copy of the agenda may be obtained by contacting: Director James F. Murphey, Santa Fe Community College, Institute of Public Safety, 3737 N. E. 39th Avenue, Gainesville, FL 32609.

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#### DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, Safety Office announces the Florida Safety Summit, a public meeting to which all persons are invited.

DATE AND TIME: June 30, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Hyatt Regency Hotel, 400 S. E. Second Avenue, Miami, Florida, (305)358-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to provide an opportunity to share information regarding transportation related safety issues to update the Department's Strategic Highway Safety Plan.

Information may be obtained by contacting: Marianne A. Trussell, State Safety Administrator, Department of Transportation, 605 Suwannee Street, MS 53, Tallahassee, Florida 32399-0450.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting: Marianne A. Trussell, (850)245-1504.

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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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#### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO.: 050862-WS – Application for staff-assisted rate case in Marion County by County-Wide Utility Co., Inc.

DATE AND TIME: Wednesday, July 19, 2006, 6:00 p.m.

PLACE: Marion County Commission Auditorium McPherson Complex, 601 Southeast 25th Avenue, Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons the opportunity to comment on the Application for staff-assisted rate case by County-Wide Utility Co., Inc.

A copy of the agenda for any meeting may be obtained by writing to the: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this Customer Meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the Customer Meeting. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the Customer Meeting.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Gubernatorial Fellows Board** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla. Stat. (2003).

DATE AND TIME: Tuesday, June 20, 2006, 12:00 Noon

PLACE: Governor’s Large Conference Room PL03, The Capitol, Tallahassee, FL

LEADER: Melanie DiMuzio, Gubernatorial Fellows Director

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the board will discuss issues related to the board’s activities for the upcoming year.

For a copy of the working agenda and more information about how to attend the meeting, contact: Melanie DiMuzio, fellows@myflorida.com or (850)488-5000.

The **Governor’s Ex-offender Task Force** announces a meeting to which all interested persons are invited.

Ex-offender Re-entry Summit

DATES AND TIME: Monday, June 26, 2006 through June 28, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Quorum Hotel, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussing issues related to the Task Force.

**REGIONAL PLANNING COUNCILS**

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 6, 2006, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 6, 2006, 9:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 6, 2006, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting the: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call: Shirley Orberg, (904)279-0880, extension 106, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

**REGIONAL TRANSPORTATION AUTHORITIES**

Notice is hereby given that the **South Florida Regional Transportation Authority**, Property Committee will hold a regular committee meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, June 21, 2006, 9:30 a.m.

PLACE: The Board Room of SFRTA’s Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064.

Should you have any questions, please contact: SFRTA Planning Office, (954)935-1930.

Attendance by South Florida Regional Transportation Authority Committee Members may be in person or via conference telephone.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, 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, Florida 33064 or (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 or the Property Committee with respect to any matter considered at these meetings or hearings, 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, (954)788-7915.

Notice is hereby given that the Board of Directors for the **South Florida Regional Transportation Authority** will hold a meeting to which all interested persons are invited.

DATE AND TIME: Friday, June 23, 2006, 9:30 a.m.

PLACE: The Board Room, The South Florida Regional Transportation, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

If you have any questions, please do not hesitate to contact: The Executive Office, (954)788-7915.

Attendance by South Florida Regional Transportation Authority Board Members may be in person or via conference telephone.

#### WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, AND PUBLIC HEARING

DATE AND TIME: Tuesday, June 27, 2006, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee meetings including discussion of the FY 2007 budget and adoption of proposed millage, Board meeting, and public hearing.

A closed attorney-client session will be held during the lunch break.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, AND PUBLIC HEARING (If all items are completed at Tuesday's meeting, there will be no Wednesday meeting.)

DATE AND TIME: Wednesday, June 28, 2006, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee meetings, Board meeting, and public hearing.

These are public meetings; agendas are available by contacting: The Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4610; TDD only 1(800)231-6103 (Florida only); Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

Water Resources Advisory Commission (WRAC) Issue Workshop on Lower West Coast Water Supply Plan Update

DATE AND TIME: June 26, 2006, 9:30 a.m.

PLACE: Rookery Bay Learning Center, 300 Tower Road, Naples, FL 34113

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the final draft of the Lower West Coast Water Supply Plan 2005-2006 Update.

A copy of the agenda may be obtained at: (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing to the 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: Mike Coates, Lower West Coast Water Supply Plan Manager, Lower West Coast Regional Service Center, 2301 McGregor Boulevard, Fort Myers, FL 33901, (239)338-2929, ext. 7755.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

Water Resources Advisory Commission (WRAC) Issue Workshop on Kissimmee Basin Water Supply Plan Update

DATE AND TIME: June 29, 2006, 1:00 p.m.

PLACE: Osceola County Agricultural Extension Office, 1901 East Irlo Bronson Memorial Highway, Kissimmee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the final draft of the Kissimmee Basin Water Supply Plan 2005-2006 Update.

A copy of the agenda may be obtained at: (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing to the 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: Chris Sweazy, Kissimmee Basin Water Supply Plan Manager, Water Supply Department, Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809, (407)858-6100, ext. 3822.

The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: June 30, 2006, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida. The above address shall be the designated access point for public attendance of the meeting.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Conduct regular Basin Board Business, including preliminary FY07 Basin Budget.

A copy of the agenda may be obtained by writing to: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or by calling Kathleen Tetrault, (239)597-1505.

Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings 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: Kathleen Tetrault, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. Those persons who desire more information, or those wishing to submit written or physical evidence may contact: Kathleen Tetrault, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: June 23, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Cardiac Surgical Associates, 455 Pinellas Street, 2nd Floor, Clearwater, Florida 33756

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Certificate of Need. Interventional Cardiology Advisory Group Meeting.

A copy of the agenda may be obtained by writing to: The Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail at [ehlerst@ahca.myflorida.com](mailto:ehlerst@ahca.myflorida.com). To be included in e-mail notices of the interventional cardiology advisory group, please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Department of Business and Professional Regulation, Bureau of Elevator Safety** announces the next meeting of the Elevator Safety Technical Advisory Council to which all persons are invited.

DATE AND TIMES: July 10, 2006, 9:00 a.m. – 12:00 Noon; 1:00 p.m. – 3:00 p.m.

PLACE: Public meeting facilities, The Building Code Services Division, Elevator Section, 955 South Federal Highway, Ft. Lauderdale, FL 33316

Questions and Comments may be directed: John Calpini, Chief, Bureau of Elevator Safety, (850)488-9098.

The Florida **Board of Architecture and Interior Design** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: June 29, 2006, 2:00 p.m., Eastern Time

PLACE: Access Phone: Direct (850)413-9245, Suncom 293-9245, Toll Free (877)651-3473 (outside of Tallahassee, FL)

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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: June 27, 2006, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Board of Professional Geologists** announces a General Business Meeting to which all interested parties are invited to attend.

DATES AND TIMES: July 26, 2006, 1:00 p.m.; July 27, 2006, 9:00 a.m.

PLACE: Gallery One Ft. Lauderdale, DoubleTree Guest Suites Hotel, 2670 East Sunrise Blvd., Ft. Lauderdale, Florida 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct General Business.

A copy of the agenda may be obtained by writing to: Richard Morrison, 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 at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Richard Morrison by Tuesday, July 25, 2006.

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATES AND TIME: August 1-4, 2006, 9:00 a.m.

PLACE: Biltmore Hotel, 1200 Anastasia Avenue, Coral Gables, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee, Rules and Legislation, Examination and Continuing Education, Executive Committee Meetings and General Board and Business Meeting.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact: Department of Business and Professional Regulation, Building Code Administrators and Inspectors Board, (850)922-6096, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** will hold a duly noticed rules workshop, to which all persons are invited to attend.

DATE AND TIME: Thursday, June 29, 2006, 1:00 p.m.

PLACE: Quorum Hotel, 700 N. Westshore Boulevard, Tampa, FL 33609, (813)289-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Rule Chapter 64B2, Florida Administrative Code.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/chiro/index.html](http://www.doh.state.fl.us/mqa/chiro/index.html)

The **Board of Chiropractic Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, June 30, 2006, 8:30 a.m.

PLACE: Quorum Hotel, 700 N. Westshore Boulevard, Tampa, FL 33609, (813)289-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/chiro/index.html](http://www.doh.state.fl.us/mqa/chiro/index.html)

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board Meeting to be held via telephone conference call. All interested parties are invited to participate, the conference call is open to the public.

DATE AND TIME: June 20, 2006, 3:00 p.m.

PLACE: Telephone Number: (850)245-4474, to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing to: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, FL 32399-3258.

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 the evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: June 23, 2006, 2:00 p.m.

PLACE: Meet Me Number: (850)414-5775, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing to: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required.

The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Department of Health, the Board of Occupational Therapy** announces a meeting of the board to which all persons are invited.

DATE AND TIME: June 26, 2006, 8:00 a.m., or soon thereafter

PLACE: 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel and General Business Meeting.

A copy of the agenda may be obtained by writing to: Department of Health, Board of Occupational Therapy, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the Board Office, (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise



the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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The **Board of Optometry** will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, June 23, 2006, 8:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee, Meet Me Number (850)488-8713

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing [www.doh.state.fl.us/mqa/optometry/index](http://www.doh.state.fl.us/mqa/optometry/index)

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The **Department of Health, the Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: June 20, 2006, 8:30 a.m. or soon thereafter  
PLACE: (850)413-9245, Toll Free (877)651-3473, Suncom 293-9245

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Committee Meeting.

A copy of the agenda may be obtained by writing to: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the Board Office, (850)245-4373, ext. 3467.

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.

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)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

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The **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: June 29, 2006, 10:00 a.m.

PLACE: Downtown Community Building, 520 N. Baker St., Mount Dora, FL 32757

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss current, proposed and potential future onsite sewage research projects, in particular related to the Wekiva Study Area, and review draft research reports.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, (850)245-4070, [Susan\\_Polangin@doh.state.fl.us](mailto:Susan_Polangin@doh.state.fl.us)

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Susan Polangin at the address above at least one week prior to the meeting.

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The Florida **Department of Health** and the Carole Green Breast Cancer Steering Committee for the Enhancement of Mammography Services announces a Strategic Planning Meeting to which all interested parties are invited.

DATE AND TIME: June 21, 2006, 11:00 a.m. – 3:30 p.m. EST

PLACE: Sheraton World Resort, 10100 International Drive, Orlando, FL 32821

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Steering Committee will facilitate comprehensive strategic planning including strategies to ensure statewide coordination of community-based care, and enhance the reimbursement, utilization, access, and quality of mammography services in the State of Florida.

To download a copy of the agenda click on the following link: <http://www.doh.state.fl.us/Family/bcc/index.html>.

SPECIAL ACCOMMODATIONS: Persons with disabilities who require assistance to participate in this meeting are requested to contact: Tiffany Simpkins, [Tiffany\\_Simpkins@doh.state.fl.us](mailto:Tiffany_Simpkins@doh.state.fl.us)

**NAVIGATION DISTRICTS**

The Board of Commissioners of the **Florida Inland Navigation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, June 23, 2006, 8:00 a.m.

PLACE: The Hilton Cocoa Beach, 1550 North Atlantic Avenue, Cocoa Beach, Brevard County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Board of Commissioners to conduct the regular business of the District. Additionally, the District's Budget and Finance and Land Acquisition and Management and Committees will meet.

Please contact the: District Office, 1314 Marcinski Road, Jupiter, FL 33477, (561)627-3386 for more information.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceeding, and for such purposes, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the District prior to the meeting.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

The **Fish and Wildlife Conservation Commission** announces a public meeting of the ad hoc Spiny Lobster Advisory Board to which all interested persons are invited.

DATES AND TIME: July 6-7, 2006, 9:00 a.m. – 5:00 p.m., both days

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to allow the ad hoc Spiny Lobster Advisory Board and staff of the Commission's Division of Marine Fisheries Management and the Fish and Wildlife Research Institute to identify and discuss pertinent issues concerning the spiny lobster fishery. The Board is composed of commercial lobster harvesters, recreational lobster fishers, a wholesale seafood dealer, and representatives of non-government organizations.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

For further information, contact: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

**FINANCIAL SERVICES COMMISSION**

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

Hearing Session

DATE AND TIME: June 27, 2006, 12:00 Noon

PLACE: State of Florida – Hurston Building, 400 W. Robinson Street, South Tower, 1st Floor, Conference room B, Orlando, Florida 32801

CONTACT NAME AND NUMBER: Kristopher Duer, Esquire (850)413-4276 or Sam Coskey (850)413-2616

GENERAL SUBJECT MATTER TO BE CONSIDERED: Encompass Floridian Indemnity has requested a 22.8% average statewide rate increase for homeowners insurance. The requested rate increase was not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing.

If you are unable to attend this public hearing, please forward your comments to: Kristopher Duer, [kristopher.duer@fldfs.com](mailto:kristopher.duer@fldfs.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email: Sam Coskey, (850)413-2616 or email at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.com) at least 48 hours before the hearing.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

Hearing Session

DATE AND TIME: June 27, 2006, 12:00 Noon

PLACE: State of Florida – Hurston Building, 400 W. Robinson Street, South Tower, 1st Floor, Conference room B, Orlando, Florida 32801. Contact name and number: Kristopher Duer, Esquire, (850)413-4276 or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hartford Accident and Indemnity Company, Hartford Casualty Insurance Company, Hartford Fire Insurance Company, Hartford Insurance Company of the Midwest, Hartford Insurance Company of the Southeast, Hartford Underwriters Insurance Company, Twin City Fire Insurance Company, and Property and Casualty Insurance Company of Hartford have requested a 21.4% average statewide rate increase for commercial residential condos and a 21.4% average statewide rate increase for commercial residential, excluding condos. The requested rate increase was not uniform and some areas are subject to a higher rate increase. Florida law allows the



Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary.

Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to: Kristopher Duer, [kristopher.duer@fldfs.com](mailto:kristopher.duer@fldfs.com)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email: Sam Coskey, (850)413-2616 or email [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.com) at least 48 hours before the hearing.

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#### AREA AGENCY ON AGING OF PASCO-PINELLAS

The **Area Agency on Aging of Pasco-Pinellas, Inc.** (AAAPP) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, June 19, 2006, 9:30 a.m. (Please call to confirm date, time and location)

PLACE: Area Agency on Aging of Pasco-Pinellas, 9887 4th St., N., Suite 100, St. Petersburg, Florida 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: Area Agency on Aging of Pasco-Pinellas, Inc., Board of Directors' Meeting.

Please note that if a person decides to appeal any decision made by AAAPP Board with respect to any matter considered at the above cited meeting or hearing, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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#### ENTERPRISE FLORIDA

**Enterprise Florida, Inc.** announces a public meeting to which all interested parties are invited to attend.

Meeting: Enterprise Florida, Inc. Board of Directors, Reception

DATE AND TIME: June 21, 2006, 5:30 p.m. – 7:00 p.m.

PLACE: Enterprise Florida, Inc., 390 N. Orange Avenue, Suite 1300, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact: Ellen Stalnaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all interested parties are invited to attend.

Meeting: Enterprise Florida, Inc. Board of Directors, Dinner

DATE AND TIME: June 21, 2006, 7:00 p.m. – 9:00 p.m.

PLACE: Manuel's on the 28th, 390 N. Orange Avenue, 28th Floor, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact: Ellen Stalnaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**Enterprise Florida, Inc.** announces a public meeting to which all interested parties are invited to attend.

Meeting: Enterprise Florida, Inc. Board of Directors, Meeting

DATE AND TIME: June 22, 2006, 8:30 a.m. – 12:30 p.m.

PLACE: Embassy Suites Orlando Downtown, 191 E. Pine Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss on-going issues, developing issues and other matters.

If an accommodation is needed for a disability or physical impairment, please contact: Ellen Stalnaker, (407)316-4718, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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#### FLORIDA AEROSPACE FINANCE CORPORATION

The **Florida Aerospace Finance Corporation (FAFC)** announces a Board of Director's meeting and teleconference to which the public is invited.

DATE AND TIME: June 22, 2006, 9:00 a.m. – 11:00 a.m.

PLACE: Office of Florida Department of Transportation, Room 479, 605 Suwannee Street, Tallahassee, FL 32399. To attend via telephone the number to call is: 1(866)249-5325, participant code 393255.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors will meet to review general board business, ratifications of agreements, financings, budgets, procedures and to consider other proposed matters related to the business of the Corporation.

For more information, contact: Ms. Judy Blanchard, (321)690-3397.

To obtain a copy of the agenda write: The Florida Aerospace Financing Corporation, 403 Brevard Avenue, Suite 1, Cocoa, Florida 32922.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Florida Aerospace Finance Corporation.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

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#### **FLORIDA SELF-INSURERS GUARANTY ASSOCIATION**

The **Florida Self-Insurers Guaranty Association**, Inc. announces a telephone conference meeting of its Board of Directors. All interested persons are invited to attend.

DATE AND TIME: Thursday, June 22, 2006, 2:00 p.m.

PLACE: 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business. Information on the meeting may be obtained by contacting: Brian Gee, Florida Self-Insurers Guaranty Association, 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, Florida 32308, (850)222-1882.

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#### **FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION**

The **Florida Automobile Joint Underwriting Association** announces an FAJUA Special Board of Governors teleconference to which all persons are invited.

FAJUA Special Board of Governors Teleconference

DATE AND TIME: Monday, June 26, 2006, 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Servicing Provider Agreement 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](mailto:lstoutamire@fajua.org).

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#### **FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council** announces the following meeting to which all interested persons are invited.

MEETING: Full Council Meeting

DATES AND TIME: July 12-14, 2006, Please call 1(850)488-5624 for meeting times.

PLACE: Radisson Resort Parkway – Celebration, 2900 Parkway Boulevard, Kissimmee, FL 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: The Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free (877)822-1993.

Any person, who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, § 286.0105)

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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: July 13, 2006, 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 SURPLUS LINES SERVICE OFFICE**

The **Florida Surplus Lines Service Office**, Board of Governors' announces public meetings to which all interested parties are invited.

FSLSO AUDIT COMMITTEE MEETING

DATE AND TIME: Wednesday, August 2, 2006, 8:30 a.m.

FSLSO BUDGET COMMITTEE MEETING

DATE AND TIME: Wednesday, August 2, 2006, 9:30 a.m.

FSLSO STRATEGIC PLANNING COMMITTEE MEETING

DATE AND TIME: Wednesday, August 2, 2006, 11:00 a.m.

FSLSO BOARD OF GOVERNORS' QUARTERLY MEETING

DATE AND TIME: Wednesday, August 2, 2006, 1:00 p.m.

PLACE: Sawgrass Marriott Resort, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business Matters.

A copy of the agenda may be obtained by sending a faxed request to Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, ext. 101.

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## Section VII

### Notices of Petitions and Dispositions Regarding Declaratory Statements

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

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

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a Declaratory Statement In Re: Petition for Declaratory Statement, Aloha Kai Condominium Association, Docket No. 2006014351.

The Division declares that the cooperative association is required by Section 719.104(3), Florida Statutes, to use its best efforts to insure all cooperative association property, which includes the units but not the interiors under the cooperative agreement, that are used exclusively by cooperative lessees.

A copy of the Declaratory Statement, Docket Number 2006014351, may be obtained by writing to the: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Mark and Deborah Cross, Petitioners, Emerald Hill Owners Association, Inc.; Docket No. 2006017644.

Denied because there are factual disputes that may not be resolved in this proceeding.

A copy of the Order Denying Petition for Declaratory Statement, Docket Number 2006017644, 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.

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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#### **DEPARTMENT OF HEALTH**

The Board of Chiropractic Medicine hereby gives notice that it has issued an Order on the Petition for Variance/Waiver, which was filed on March 27, 2006 on behalf of Jennifer T. Bonde, D.C. The Notice of Petition for Variance/Waiver was published in Vol. 32, No. 14, of the April 7, 2006, Florida Administrative Weekly. The Petitioner sought a waiver of the provisions of Rule 64B2-13.007, F.A.C., entitled "Continuing Education During Initial Licensure Period." Specifically, the Petitioner requested that on the basis of substantial hardship and/or the principles of fairness explained in the Petition, the Board waive and extend the requirements for attending a full day Board meeting within the first twelve months after initial licensure. The Board of Chiropractic Medicine considered the Petition at its meeting held on April 28, 2006, in Ft. Lauderdale, Florida. The Board's Order, filed on May 30, 2006, granted the Petition for waiver of Rule 64B2-13.007, F.A.C., finding that Petitioner presented sufficient evidence of a substantial hardship as defined in Section 120.542(2), F.S.

A copy of the Board's Order may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

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## 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**

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**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

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**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

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**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

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**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**REQUEST FOR BID**

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB06MW-96, W/O 822503, Mechanical and Aerospace Engineering, AHU Replacement, estimated budget: \$750,000-\$800,000 to be opened July 11, 2006, 2:00 p.m., Local Time. Scope of work: The air handling unit replacements shall be performed one air handler at a time (6 phases) in order to limit the downtime of the air conditioning systems in the building. Each air handler and heat exchanger replacement will require a utility shutdown of chilled water, steam, etc. Each shutdown will be scheduled to begin at 4:00 p.m., on a Friday in order to limit the downtime, as much as possible, to the weekend. Mandatory Pre-Bid Meeting will be held June 22, 2006, 10:00 a.m., in the Physical Plant Division, Architecture/Engineering Conference Room, Bldg. 700, Radio Road, Gainesville, FL. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. All questions and bid document requests should be directed to Karen Olitsky, Purchasing and Disbursement Services, (352)392-1331, ext. 224.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331, within three (3) days of the event.

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**NOTICE TO PROFESSIONAL CONSULTANTS**  
FLORIDA ATLANTIC UNIVERSITY, on behalf of its Board of Trustees, announces that professional services are required in the following discipline(s):

**ARCHITECTURE.**

Project(s): Campus Service for Minor Projects

Project(s) Location: Florida Atlantic University, All Campuses  
Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming year. The consultants receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional campus service professionals under contract during the same time period. The term of agreement is for one year with the option to extend the agreement for one additional year. Three firms will be selected for these services.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a prime factor in the selection of the firm. Design ability will be considered as a selection category.

Attach to each letter of application:

1. The most recent version of the FAU “Professional Qualifications Supplement” completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant’s current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in

excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

FAU Professional Qualification Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Keyla Thamsten, Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. CO-69, Room #107, Boca Raton, Florida 33431, (561)297-3039.

FAU Professional Qualification Supplement forms are available on the Florida Atlantic University Division of the University Architect web page at <http://uavp.fau.edu/fp>

Submittals must be received in the Facilities Planning Department, Florida Atlantic University, Attention to Keyla Thamsten, 777 Glades Road, Bldg. CO-69, Room #107, Boca Raton, Florida 33431, by 5:00 p.m., local time, on July 17, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

FLORIDA ATLANTIC UNIVERSITY, on behalf of its Board of Trustees, announces that professional services are required in the following discipline(s):

**MECHANICAL/ELECTRICAL/PLUMBING  
ENGINEERING.**

Project(s): Campus Service for Minor Projects

Project(s) Location: Florida Atlantic University, All Campuses

Projects included in the scope of this agreement will be specific projects for which the fee for professional services is \$100,000 or less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming year. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional campus service professionals under contract during the same time period. The term of agreement is for one year with the option to extend the agreement for one additional year. Two firms will be selected for these services.

Firms desiring to provide professional services shall apply by letter specifying the discipline for which they are applying. Proximity of location will be a factor in the selection of the firm. Design ability will not be considered as a selection category.

Attach to each letter of application:

1. The most recent version of the FAU "Professional Qualifications Supplement" completed by the applicant. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

FAU Professional Qualification Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Keyla Thamsten, Facilities Planning Department, Florida Atlantic University, 777 Glades Road, Bldg. CO-69, Room #107, Boca Raton, Florida 33431, (561)297-3039.

FAU Professional Qualification Supplement forms are available on the Florida Atlantic University Division of the University Architect web page at <http://uavp.fau.edu/fp>

Submittals must be received in the: Facilities Planning Department, Florida Atlantic University, Attention to Keyla Thamsten, 777 Glades Road, Bldg. CO-69, Room #107, Boca Raton, Florida 33431, by 5:00 p.m., local time, on July 17, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO CONSTRUCTION MANAGERS

Florida Gulf Coast University Board of Trustees, announces that Construction Management Services will be required for the project listed below:

Project No. BR-1051, Project and Location: South Student Housing, Florida Gulf Coast University, Ft. Myers, Florida.

Florida Gulf Coast University began as a dream for a new university located in southwestern Florida. "The Tenth University" began with a strong commitment to technology and innovation, with an environmental focus. Likewise the campus continues to grow with the student population about to double over the next 5 to 7 years.

Currently, all student housing and related recreational facilities are located near the north end of the campus with the area reaching its maximum for this use. Accordingly, as the student population grows and the need for additional student housing also grows. The next area for student housing soon to be developed will be the south area of the campus. In summary, the first phase of the south student housing will include the following projects with separate Guaranteed Maximum Prices: site work, roads and parking, a bridge, utilities, a central

energy plant, a central dining hall and recreational playfields. At sometime in the near future, low-rise student housing buildings will be included as part of this project.

The site has been conceptually permitted with both the Corps of Engineers and South Florida Water Management District. This project will have to modify an existing construction and operation permit issued by the South Florida Water Management District.

The total construction budget is \$10,000,000.

The contract for construction management services shall consist of two phases. Phase one of the contract is for pre-construction services for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analysis, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase will be required for individual projects as noted above. If the GMP is accepted, phase two, the construction phase, may be implemented. In phase two of the contract, the construction manager shall become the single point of responsibility for performance of the construction contract for the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager's contract.

Selection will be made on the basis of construction manager's qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability and qualification of the firm's personnel, staff and consultants.

The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed Board of Regents "Construction Manager Qualifications Supplement". Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages should be numbered consecutively. Submittals, which do not comply with these requirements or do not include the requested data, will not be considered. No submittal information will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, F.S., a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for

a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The Board of Regents Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd. South, Ft. Myers, Florida 33965-6565, (239)590-1500, Fax (239)590-1505.

Five (5) bound copies of the required proposal data shall be submitted to: Mr. Jack Fenwick, Director of Facilities Planning, Florida Gulf Coast University, 10501 FGCU Blvd., South, Ft. Myers, Florida 33965-6565.

Submittals must be received in the Facilities Planning Office by 2:00 p.m. local time on July 17, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

Florida Gulf Coast University Board of Trustees announces that Professional Services in the discipline of civil engineering will be required for the project listed below:

Project No. BR-1051

Project and Location: South Student Housing  
Fort Myers, Florida

#### Description of Project

Currently, all student housing on campus is located on the north side of the campus and has been built out to its maximum area. Therefore, the next phase of student housing will be built on the south side of the campus.

In general, the first phase of the new south housing project will require design of the site work, roads and parking, a bridge, and utilities. The total construction budget for this work is \$6,000,000. The site design work will also locate a future central energy plant, a central dining hall and recreational playfields. The site has been conceptually permitted by both the Corps of Engineers and the South Florida Water Management District, however the project will require modification of the existing permit with SFWMD.

The project will utilize the Construction Management Delivery method. A Guaranteed Maximum Price will be required of the CM upon completion of 100% construction documents.

Instructions:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached the following:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September 1999. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontract, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting:

Mr. Jack Fenwick, Director of Facility Planning, 10501 FGCU Blvd., South, Fort Myers, Florida 33965-6565, (239)590-1500, Fax (239)590-1505.

Submittals must be received in the Facilities Planning Office, by 3:00 p.m. local time, on July 17, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

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Request for Qualifications  
Remediation Project Manager  
Advertisement Number: RFQ-06-01  
Version Number:

Advertisement Begin Date/Time: 6/16/2006 – 8:00 a.m.

The State of Florida, Florida School for the Deaf and the Blind, requests submission of qualifications to provide engineering and technical assistance in the area of dry cleaning solvent remediation.

RFQ NUMBER: RFQ-06-01

ORIGINAL POSTING DATE/TIME: Friday, June 16, 2006, 8:00 a.m.

RFQ DUE DATE/TIME: Monday, July 17, 2006, by 2:00 p.m.

RFQ QUESTIONS DUE DATE: All questions concerning the RFQ shall be directed to John Connor, Purchasing Director, FSDB, via facsimile (904)827-2357, or via e-mail at ConnorJ@fsdb.k12.fl.us no later than seven (7) calendar days after the RFQ original posting date.

All correspondence shall reference the RFQ number. Answers to written submitted questions will be posted on the web site – fourteen (14) calendar days after the RFQ original posting date. No verbal questions are permitted concerning the RFQ.

SHORTLIST DATE: Tuesday, July 25, 2006

PRESENTATION DATE: Tuesday, August 1, 2006

POSTING LOCATION: myflorida web site <http://www.myflorida.com>

PROJECT NAME: REMEDIATION PROJECT MANAGER

PROJECT LOCATION: Florida School for the Deaf and the Blind, 207 San Marco Avenue, St. Augustine, FL 32084

PROJECT DESCRIPTION: To provide engineering and technical assistance to the Florida School for the Deaf and the Blind (FSDB) in the area of dry cleaning solvent remediation. A dry cleaning operation was established on the property in the late 1950's or early 1960's. It continued to operate until about 1986. Contamination of groundwater by dry cleaning solvent and its degradation product was discovered in 1994. Tetrachloroethylene and trichloroethylene were found in the groundwater in December 1994. Since that time, numerous wells were installed and sampled. A Hydrogen Release Compound Barrier was installed in May and September 2003 and has shown an ability to limit the off-site movement of contaminants and a reduction in contaminate concentration.

PROJECT REQUIREMENTS: Provide engineering and technical assistance to FSDB in the area of dry cleaning solvent remediation. Specifically:

1. Provide interaction with regulatory agency with regard to remediation program.
2. Develop, in coordination with regulatory agency, a remediation plan.
3. Provide assistance to FSDB in obtaining low cost groundwater sampling contract.
4. Provide over-site of each groundwater sampling effort.
5. Review and provide interpretation of analytical data from the groundwater sampling to FSDB.
6. May subcontract the location of dense non-aqueous liquid and treatment strategy.
7. May subcontract for technical remediation strategy development, but subcontractor cannot be related to sampling contractor.
8. Provide recommendation to FSDB for remediation alternatives.
9. Review and manage costs of remediation program.

REQUEST FOR QUALIFICATION SUBMITTAL REQUIREMENT: The RFQ submittal, at the very minimum, shall contain the following response items:

1. Firm's history and disclosure of ownership.
2. Resumes of staff expected to carry out necessary work.
3. Description of similar projects completed for other public and private entities.



4. Specific listing of staff assigned to work items and their availability.
5. List of references.
6. Standard billing rate.

**SELECTION CRITERIA OF PROJECT MANAGER:**  
 Selection criteria will be evaluated using the following criteria (total possible 100%)

Point Scoring Schedule

Experience: 35%

Verifiable demonstration of experience with management of similar project.

Coordination: 20%

Evidence of ability to provide coordination with client, regulatory agency and technical services organization.

Communication: 10%

Demonstrate ability to communicate highly technical ideas at an understandable level.

Qualifications and Experience of Project Manager: 10%

Present qualifications and experience of project manager, as well as projected workload and availability.

Schedule and Budget Responsiveness: 15%

Demonstrated ability to complete previous projects, to meet critical deadlines, and remain with budget estimates.

Quality Control and Assurance: 10%

Evidence of quality management policies, particularly assurance that projects are compliant with State of Florida laws, rules and guidance.

NOTE: FSDB reserves the right to revise this posting and will post future revisions at the official posting site listed above. It is the respondent's responsibility to remain abreast of any new postings. FSDB is not responsible for incorrect data placed by specialty advertising firms. FSDB reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State. FSDB is not liable for cost incurred in preparing, submitting and supporting bids or proposals or any costs incurred prior to the date of contract execution. FSDB will pay only those costs agreed upon in the executed contract. Responses received after the scheduled receipt time shall be marked "LATE" and returned unopened to the interested respondent. All information received will be maintained with the project file and will not be returned. Records and meetings are subject to the Government-in-the-Sunshine laws. A selection committee shall select no less than three (3) respondents deemed most highly qualified to perform the required services, in accordance with Chapter 60D-5, Florida Administrative Code.

**INSTRUCTIONS:** Respondents to this RFQ are to submit one (1) original and four (4) copies of a Statement of Qualifications (SQ) as specified herein to the following individual:

John Connor, Purchasing Director

Stores and Receiving, Building #28

Florida School for the Deaf and the Blind

207 San Marco Avenue  
 St. Augustine, FL 32084

Original SQ must contain an original signature of the submitter.

The respondent must be available, if requested, for clarifications, which may be in person in St. Augustine or by telephone as determined by the selection committee.

The contents of the RFQ and SQ of the successful Remediation Project Manager will become part of the contractual obligations.

Members of the selection committee will not be available to discuss selection issues.

Follow all instructions, i.e. RFQ # on outside of envelope, required information, up-to-date reference contacts, etc. Failure to do so may result in the proposal being rejected or a deduction in scoring points. This is the complete RFQ package. There are no plans or specifications associated with this RFQ. This is a qualifications based RFQ.

**Request for Qualifications**

**Groundwater Sampling and Laboratory Analysis**

**Advertisement Number: RFQ-06-02**

**Version Number:**

**Advertisement Begin Date/Time: 6/16/2006 – 8:00 a.m.**

The State of Florida, Florida School for the Deaf and the Blind, requests submission of qualifications to provide groundwater sampling and laboratory analysis to FSDB for the dry cleaning solvent remediation effort.

**RFQ NUMBER: RFQ-06-02**

**ORIGINAL POSTING DATE/TIME: Friday, June 16, 2006, 8:00 a.m.**

**RFQ DUE DATE/TIME: Tuesday, July 18, 2006, by 2:00 p.m.**

**RFQ QUESTIONS DUE DATE:** All questions concerning the RFQ shall be directed to John Connor, Purchasing Director, FSDB, via facsimile (904)827-2357, or via e-mail at ConnorJ@fsdb.k12.fl.us no later than seven (7) calendar days after the RFQ original posting date.

All correspondence shall reference the RFQ number. Answers to written submitted questions will be posted on the web site – fourteen (14) calendar days after the RFQ original posting date. No verbal questions are permitted concerning the RFQ.

**SHORTLIST DATE: Wednesday, July 26, 2006**

**PRESENTATION DATE: Wednesday, August 2, 2006**

**POSTING LOCATION: myflorida web site <http://www.myflorida.com>**

**PROJECT NAME: GROUNDWATER SAMPLING AND LABORATORY ANALYSIS**

**PROJECT LOCATION: Florida School for the Deaf and the Blind, 207 San Marco Avenue, St. Augustine, FL 32084**

**PROJECT DESCRIPTION: To provide groundwater sampling and laboratory analysis to the Florida School for the Deaf & the Blind (FSDB) for the dry cleaning solvent remediation**



effort. A dry cleaning operation was established on the property in the late 1950's or early 1960's. It continued to operate until about 1986. Contamination of groundwater by dry cleaning solvent and its degradation product was discovered in 1994. Tetrachloroethylene and trichloroethylene were found in the groundwater in December 1994. Since that time, numerous wells were installed and sampled. A Hydrogen Release Compound Barrier was installed in May and September 2003 and has shown an ability to limit the off-site movement of contaminants and a reduction in contaminate concentration.

**PROJECT REQUIREMENTS:** Provide groundwater sampling and laboratory analysis to FSDB for the dry cleaning solvent remediation effort. Specifically:

1. Quarterly sampling of groundwater wells as determined by remediation project manager.
2. Provide groundwater sampling effort which meets State of Florida sampling criteria.
3. Provide laboratory analysis of well samples that meet State of Florida quality control requirements.
4. Provide special sampling needs as required by remediation project manager.

**REQUEST FOR QUALIFICATION SUBMITTAL REQUIREMENT:** The RFQ submittal, at the very minimum, shall contain the following response items:

1. Firm's history and disclosure of ownership.
2. Resumes of staff expected to carry out necessary work.
3. Description of similar projects completed for other public and private entities.
4. Specific listing of staff assigned to work items and their availability.
5. List of references.
6. Standard billing rate – Labor cost for groundwater sampling and unit cost for analytical evaluation of groundwater for dry cleaning type solvents.

**SELECTION CRITERIA OF GROUNDWATER SAMPLING CONTRACTOR:**

Selection criteria will be evaluated using the following criteria (total possible 100%)

Point Scoring Schedule

Experience: 35%

Verifiable demonstration of experience with management of similar project.

Qualifications and Experience of Project Manager: 20%

Present qualifications and experience of project manager, as well as projected workload and availability.

Schedule and Budget Responsiveness: 20%

Demonstrated ability to complete previous projects, to meet critical deadlines, and remain with budget estimates.

Quality Control and Assurance: 20%

Evidence of quality management policies, particularly assurance that projects are compliant with State of Florida laws, rules and guidance.

Coordination: 5%

Evidence of ability to provide coordination with client, regulatory agency and technical services organization.

**NOTE:** FSDB reserves the right to revise this posting and will post future revisions at the official posting site listed above. It is the respondent's responsibility to remain abreast of any new postings. FSDB is not responsible for incorrect data placed by specialty advertising firms. FSDB reserves the right to reject any and all proposals or accept minor irregularities in the best interest of the State. FSDB is not liable for cost incurred in preparing, submitting and supporting bids or proposals or any costs incurred prior to the date of contract execution. FSDB will pay only those costs agreed upon in the executed contract. Responses received after the scheduled receipt time shall be marked "LATE" and returned unopened to the interested respondent. All information received will be maintained with the project file and will not be returned. Records and meetings are subject to the Government-in-the-Sunshine laws. A selection committee shall select no less than three (3) respondents deemed most highly qualified to perform the required services, in accordance with Chapter 60D-5, Florida Administrative Code.

**INSTRUCTIONS:** Respondents to this RFQ are to submit one (1) original and four (4) copies of a Statement of Qualifications (SQ) as specified herein to the following individual:

John Connor, Purchasing Director  
Stores and Receiving, Building #28  
Florida School for the Deaf and the Blind  
207 San Marco Avenue  
St. Augustine, FL 32084

Original SQ must contain an original signature of the submitter.

The respondent must be available, if requested, for clarifications, which may be in person in St. Augustine or by telephone as determined by the selection committee.

The contents of the RFQ and SQ of the successful Remediation Project Manager will become part of the contractual obligations.

Members of the selection committee will not be available to discuss selection issues.

Follow all instructions, i.e. RFQ # on outside of envelope, required information, up-to-date reference contacts, etc. Failure to do so may result in the proposal being rejected or a deduction in scoring points. This is the complete RFQ package. There are no plans or specifications associated with this RFQ. This is a qualifications based RFQ.

**BID REQUEST FOR:**

**FRESH MILK AND OTHER DAIRY PRODUCTS FOR LEE COUNTY SCHOOLS**

Bid No: B-066461CP Opening Date: Tuesday, June 20, 2006, 10:00 a.m.

Request a bid package by: Phone: (239)479-4256; Fax: (239)337-8200; In Person or Mail: 3308 Canal Street, Fort Myers, Florida 33916-6594.

Complete Bid Package available only upon request.

By: Chevone Peterson, Procurement Agent

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

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

**WATER MANAGEMENT DISTRICTS**

**SUWANNEE RIVER WATER MANAGEMENT DISTRICT  
RFB 05/06-050 LM**

**Invasive Exotic Plant Elimination**

Suwannee River Water Management District is seeking bids for eradication of Invasive Exotic plants on District-owned lands. Invasive exotic plants occur in some concentration on almost every parcel of land owned and managed by SRWMD. Many of these plant populations are relatively small and are difficult to bid on an individual basis. In an effort to achieve effective treatment and reduce the time and expense of multiple site visits, SRWMD is requesting bids based on hourly treatment rates. Treatments will primarily occur in Columbia, Hamilton, Suwannee, Lafayette and Alachua Counties. Some sites will require a full day to complete; most will not. Treatment sites will be lumped together to minimize travel time and create a full work day. Access to all sites is good, and most can be treated from a truck or ATV. A majority of the plants to be treated are listed as EPPC category I and II invasive species.

For information regarding this project, contact: Chris Benson, Forestry Technician, (386)362-1001. Bid packages may be obtained by logging on to [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com) or contacting Gwen Lord, Administrative Assistant, (386)362-1001 or email [lord\\_g@srwmd.state.fl.us](mailto:lord_g@srwmd.state.fl.us).

**EXPRESSWAY AUTHORITIES**

**NOTICE TO PROFESSIONAL CONSULTANTS**

The Orlando-Orange County Expressway Authority ("Authority") requires the services of a Professional Consultant to perform general transportation planning to determine the potential feasibility of expanding the existing SR

528 corridor from Orlando International Airport (OIA) to Port Canaveral and/or constructing a new corridor into a multi-use corridor including a limited access toll roadway; a utility corridor for pipelines, power, communication or water facilities; and passenger and/or freight rail service as identified in the recently adopted 2030 Expressway Master Plan.

Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, based on information provided by the firms for Sub Area/Corridor Planning and Project Development and Environmental (PD&E) Studies.

**PROJECT NAME:** SR 528 Multi-Use Transportation/Utility Corridor Study

**DESCRIPTION:** Consultant services are required to provide general transportation planning including a sub area or corridor analysis to determine the potential feasibility of expanding the existing SR 528 corridor from Orlando International Airport (OIA) to Port Canaveral and/or constructing a new corridor into a multi-use corridor. The work to be performed by the selected consultant may include, but is not necessarily limited to: data collection and analysis, needs analysis, market and utility analysis to determine person and utility demand, corridor identification, development of alternative multi-use corridors, community and environmental impact analysis, potential utility impacts, evaluation of alternative corridors and alignment concepts, evaluation of alternative interchange/station or intermodal locations and concepts, determination of potential fatal flaws, design traffic, cost estimation, agency or group coordination, reporting and documentation.

Traffic forecasts will be performed by the Authority's Traffic and Revenue Consultant, and study findings may include a peer review process.

**LETTERS OF INTEREST SUBMITTAL REQUIREMENTS:** Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience – Details of specific experience for at least three (3) projects, similar to that described above, that involve: reports or studies for concept development and evaluation of alternative corridors/concepts; preparation of environmental reports/documents which address community and environmental impacts; public involvement and interagency coordination; and experience in preparing Feasibility Reports or PD&E Studies for toll road projects by the consultant's Project Manager and other key project team members. Include the name of client contact person, telephone number, and physical address.
2. Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned

to the project. The Project Manager shall have a minimum of five (5) years of specific experience in transportation demand, sub area/ corridor planning or PD&E Studies.

3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. Prequalification Documentation - A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. Office Location - The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

**SELECTION/NEGOTIATIONS:** The Authority may shortlist up to three (3) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each firm will be evaluated and ranked by the Authority's Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time requirements, consultant's projected workload, and consultant's use of Minority/Women Owned Businesses.

**EQUAL OPPORTUNITY STATEMENT:** The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

**CODE OF ETHICS:** All consultants selected to work with the Authority are required to comply with the Authority's Code of Ethics, a copy of which may be obtained by contacting the Authority.

**MINORITY/WOMEN/DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION:**

Minority/Women/Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

**NON-SOLICITATION PROVISION:** From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements

detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

**LETTER OF RESPONSE DEADLINE:**

July 7, 2006, 3:00 p.m., Orlando local time

**AUTHORITY CONTACT PERSON:**

Ms. Lennon Moore

Director of Planning

Telephone: (407)316-3800

**LETTER OF RESPONSE ADDRESS:**

Orlando-Orange County Expressway Authority

525 S. Magnolia Avenue

Orlando, FL 32801

Re: SR 528 Multi-Use Transportation/Utility Corridor Study

ORLANDO-ORANGE COUNTY EXPRESSWAY

AUTHORITY

Michael Snyder, P.E.

Executive Director

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**NOTICE TO PROFESSIONAL CONSULTANTS**

The Orlando-Orange County Expressway Authority ("Authority") requires the services of a Professional Consultant to perform general transportation planning including concept development and feasibility studies for new toll roads. These analyses will be used to determine the potential feasibility of expanding existing corridors and/or constructing new corridors as identified in the recently adopted 2030 Expressway Master Plan.

Shortlist consideration will be given to only those firms who are qualified pursuant to law, and as determined by the Authority, based on information provided by the firms for Sub Area/Corridor Planning and Project Development and Environmental (PD&E) Studies.

**PROJECT NAME:** Concept Development and Feasibility Studies

**DESCRIPTION:** Consultant services are required to provide general transportation planning including a sub area or corridor analysis to identify the need to expand existing corridors and/or construct new corridors as described in the 2030 Expressway Master Plan. The work to be performed by the selected consultant may include, but is not necessarily limited to: data collection and analysis, needs analysis, corridor identification and concept development, community and environmental impact analysis, potential utility impacts, evaluation of alternative corridors/concepts, evaluation of alternative interchange locations and concepts, determination of potential fatal flaws, design traffic, cost estimation, agency or group coordination, reporting and documentation.

The 2030 Expressway Master Plan identifies up to six potential corridors which may be considered for possible existing corridor expansion and/or constructing a new corridor. The

corridors may be studied as stand alone or in combination at the discretion of the Authority. The Authority anticipates selecting a consultant team for each of the following projects:

SR 408 Eastern Extension

SR 417 Southern Extensions

SR 417 Northern Extension (Seminole County) & SR 408 Western Extension

Traffic forecasts will be performed by the Authority's Traffic and Revenue Consultant, and study findings may include a peer review process.

**LETTERS OF INTEREST SUBMITTAL REQUIREMENTS:** Consultants wishing to be considered shall submit six (6) sets of a Letter of Interest package. The letter shall be a maximum of ten (10) pages exclusive of attachments and resumes. The packages shall include the following:

1. Experience – Details of specific experience for at least three (3) projects, similar to that described above, that involve: reports or studies for concept development and evaluation of alternative corridors/concepts; preparation of environmental reports/documents which address community and environmental impacts; public involvement and interagency coordination; and experience in preparing Feasibility Reports for toll road projects by the consultant's Project Manager and other key project team members. Include the name of client contact person, telephone number, and physical address.
2. Personnel Experience – Resumes of the consultant's proposed Project Manager and other key personnel presently employed by the consultant who will be assigned to the project. The Project Manager shall have a minimum of five (5) years of specific experience in design traffic, sub area/ corridor planning or PD&E Studies.
3. Project Team – Anticipated subconsultants shall be identified and the roles that each will play in providing the required services. Resumes should be provided for subconsultants that may be involved in key roles;
4. Prequalification Documentation – A copy of the Notice of Qualification issued by the FDOT showing current qualification in the Types of Work specified above;
5. Office Location – The office assigned responsibility and its physical address shall be identified. It is required that the consultant have an office and key staff located within the Orlando area.

Failure to submit any of the above required information may be cause for rejection of the package as non-responsive.

**SELECTION/NEGOTIATIONS:** The Authority may shortlist up to six (6) firms based on its evaluation of the Letters of Interest and qualifications information received. Shortlisted firms will proceed to the next step in the process which includes preparation and submittal of a Technical Proposal and an oral presentation or interview. The Authority will provide the shortlisted firms with a comprehensive outline of the Scope of Services for use in preparing the Technical Proposal. Each

firm will be evaluated and ranked by the Authority's Consultant Recommendation Committee based on the Technical Proposal and oral presentations/interview. As part of its evaluation process, the Committee will also consider the consultant's willingness to meet time requirements, consultant's projected workload, and consultant's use of Minority/Women Owned Businesses.

**EQUAL OPPORTUNITY STATEMENT:** The Orlando-Orange County Expressway Authority, in accordance with the provisions of Title VI and Title VII of the Civil Rights Act of 1964, hereby notifies all firms and individuals that it will require affirmative efforts be made to ensure participation by minorities.

**CODE OF ETHICS:** All consultants selected to work with the Authority are required to comply with the Authority's Code of Ethics, a copy of which may be obtained by contacting the Authority.

**MINORITY / WOMEN / DISADVANTAGED BUSINESS**

**ENTERPRISE PARTICIPATION:**

Minority/Women/Disadvantaged Business Enterprises will not be discriminated against on the basis of race, color, sex, or national origin in consideration for qualification or an award by the Authority.

**NON-SOLICITATION PROVISION:** From the first date of publication of this notice, no person may contact any Authority Board Member, Officer or Employee or any selection committee member, with respect to this notice or the services to be provided, except as related to the Submittal Requirements detailed above. Reference is made to the lobbying guidelines of the Authority for further information regarding this Non-Solicitation Provision.

**LETTER OF RESPONSE DEADLINE:**

July 7, 2006, 3:00 p.m., Orlando local time

**AUTHORITY CONTACT PERSON:**

Ms. Lennon Moore

Director of Planning

Telephone: (407)316-3800

**LETTER OF RESPONSE ADDRESS:**

Orlando-Orange County Expressway Authority

525 S. Magnolia Avenue

Orlando, FL 32801

Re: Concept Development and Feasibility Studies

**ORLANDO-ORANGE COUNTY**

**EXPRESSWAY AUTHORITY**

Michael Snyder, P.E.

Executive Director

**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."

**PETER R. BROWN CONSTRUCTION**

Notice of Request for Proposals  
 IMPERIAL POLK COUNTY B.O.C.C.  
 SOUTH COUNTY JAIL CEP AND FACILITY  
 WAREHOUSE  
 FROSTPROOF, FLORIDA

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the IMPERIAL POLK COUNTY B.O.C.C, SOUTH COUNTY JAIL CEP AND FACILITY WAREHOUSE hereby solicits sealed proposals for the following trades for the referenced project in accordance with the proposal documents to include but not limited to the following:

02A	Site Work	08D	Glazing	15A	Fire Sprinklers
02B	Sodding/Seeding	09B	Metal Framing & Wallboard	15C	HVAC & Plumbing
02C	Fencing	09D	Acoustical Treatment	15D	Testing & Balancing Electrical
03A	Cast-in-Place Concrete	09F	Resilient Accessories	16A	
04A	Masonry	09G	Painting		
05A	Miscellaneous Steel	10A	Specialties		
06A	Rough Carpentry	11A	Shop Equipment/Furnishings		
06B	Cabinets	13A	Pre Engineered Metal Building		
07C	Waterproofing & Joint Sealants	13B	Underground Fuel Storage Tank		
08A	Doors, Frames, Hardware & Installation	13C	Building Automation/Security		
08C	Overhead Coiling Doors				

A pre-proposal meeting will be held at 10:00 a.m., local time; Thursday, June 29, 2006 at the following location:

Polk County Purchasing Division  
 2470 Cower Lane  
 Bartow, FL 33830

Deadline for receipt of All Proposal Packages has been set for 2:00 p.m., on July 20, 2006. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened. Proposals will be opened and reviewed at the Polk County Purchasing Division July 21, 2006 at 10:00 a.m., local time.

Submission of Proposal:

If the proposal is sent by U.S. Mail, the sealed envelope shall be addressed as follows:

Peter R. Brown Construction, Inc.  
 Attention: Estimating Department  
 P. O. Box 4100  
 Clearwater, FL 33758  
**SEALED PROPOSAL ENCLOSED**  
**SOUTH COUNTY JAIL CEP**  
**AND FACILITY WAREHOUSE**

If the proposal is sent by overnight carrier (i.e. Fed-Ex, UPS, etc.) or hand delivered, the sealed envelope shall be addressed as follows:

Peter R. Brown Construction, Inc.  
 Attention: Estimating Department  
 13830 58 Street, North  
 Suite 401  
 Clearwater, FL 33758  
**SEALED PROPOSAL ENCLOSED**  
**SOUTH COUNTY JAIL CEP**  
**AND FACILITY WAREHOUSE**

All trade contractors must be pre-qualified prior to submitting a proposal. A copy of the pre-qualification form can be received by contacting Peter R. Brown Construction, Estimating Department, (727)535-6407 or faxing a letter of interest to (727)539-8485.

Imperial Polk County B.O.C.C. and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Drawings will be available Wednesday June 14, 2006. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

Imperial Polk County B.O.C.C. and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda of Supplements. All questions regarding the work should be directed to the Construction Manager, in writing within five (5) calendar days of the proposal due date. The Owner and Architect will not accept calls regarding this project.

Notice of Request for Proposals

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the CITY OF TAMPA AND TAMPA POLICE DEPARTMENT DISTRICT THREE SUBSTATION hereby solicits sealed proposals for the

following trades for the referenced project in accordance with the proposal documents to include but not limited to the following:

01B	Final Cleaning & Window Cleaning	09B	Drywall	15B	Plumbing
02C	Fencing & Gate Operators	09C	Porcelain & Ceramic Tile	15C	HVAC
02D	Landscaping & Irrigation	09D	Acoustical Treatment	16A	Electrical
03A	Cast-in-Place Concrete	09F	Carpet & VCT	17A	Security, Fire Alarm & Structured Cabling
04A	Masonry	09G	Painting		
05A	Structural & Miscellaneous Steel	10A	Specialties		
06A	Cabinets	11A	Audio-Visual Equipment		
07B	Built-up Roofing	11B	Residential Appliances		
07C	Waterproofing & Joint Sealants	11C	Detention Furnishings		
08A	Doors, Frames, Hardware & Installation	13B	Fuel Storage Tanks/Piping		
08D	Aluminum Storefronts & Glazed Curtain Wall	12A	Window Treatment		
09A	Exterior Plastering (Stucco)	15A	Fire Sprinklers		

A pre-proposal meeting will be held at 10:00 a.m., local time, Tuesday, June 27, 2006, at the following location:

Lee Davis Neighborhood Service Center  
Auditorium  
2402 North 22 Street  
Tampa, FL 33605

Deadline for receipt of All Proposal Packages has been set for 2:00 p.m., on July 18, 2006. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

Submission of Proposal:

If the proposal is sent by U.S. Mail, the sealed envelope shall be addressed as follows:

Peter R. Brown Construction, Inc.  
Attention: Estimating Department  
Post Office Box 4100  
Clearwater, FL 33758

**SEALED PROPOSAL ENCLOSED**

Tampa Police Department District Three Substation

If the proposal is sent by overnight carrier (i.e. Fed-Ex, UPS, etc) or hand delivered, the sealed envelope shall be addressed as follows:

Peter R. Brown Construction, Inc.  
Attention: Estimating Department  
13830 58 Street, North  
Suite 401  
Clearwater, FL 33758

**SEALED PROPOSAL ENCLOSED**

Tampa Police Department District Three Substation

All trade contractors must be pre-qualified prior to submitting a proposal. A copy of the pre-qualification form can be received by contacting Peter R. Brown Construction, Estimating Department at (727)535-6407, or faxing a letter of interest to (727)539-8485.

City of Tampa and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Drawings will be available June 27, 2006. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

City of Tampa and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda of Supplements. All questions regarding the work should be directed to the Construction Manager, in writing within five (5) calendar days of the proposal due date. The Owner and Architect will not accept calls regarding this project.

## Section XII Miscellaneous

### DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA06-OR-125

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY ORDINANCE NO. 010-2006

### FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005),

approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On April 6, 2006, the Department received for review Monroe County Ordinance No. 010-2006 (“Ord. 010-2006”).

3. The final order for this Ordinance must be signed by June 2, 2006.

4. The Ordinance implements Goal 105 of the Monroe County Comprehensive Plan; provides criteria for designation of the tier boundaries, excluding Ocean Reef, a vested subdivision; and prioritizes land for public acquisition. The Ordinance also contains a mechanism for property owners to obtain due process by requesting an amendment to the designation based upon specific criteria.

5. Ordinance 010-2006 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

7. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

8. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 010-2006 are land development regulations.

9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

10. Ord. 010-2006 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands, dune ridges and beaches, wildlife, and their habitat).

(f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

11. Ord. 010-2006 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 010-2006 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 TRACY D. SUBER  
 State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE

DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, “PETITION FOR ADMINISTRATIVE PROCEEDINGS” WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 5th day of June, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Charles McCoy  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Aref Joulani  
Acting Director  
Planning and Environmental Resources  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

DCA Final Order No.: DCA06-OR-123

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 008-2006

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On April 6, 2006, the Department received for review Monroe County Ordinance No. 008-2006 (“Ord. 008-2006”).



3. The final order for this Ordinance must be signed by June 2, 2006.

4. The Ordinance deletes requirements for the preparation of the Habitat Evaluation Index for properties containing hammock, requires an existing conditions report, vegetation survey, and grants of conservation easements, and limits clearing of native upland vegetation dependent on the tier system designation.

5. The Ordinance proposes the deletion of Section 9-5.342. Section 9-5.342 is based on Monroe County's Comprehensive Plan Policy 101.4.22 and establishes that when twenty percent of the dominant canopy plants are palms, the hammock is classified as a Palm Hammock and limited to ten percent clearing.

6. The criteria that establishes when a Palm Hammock is classified as a Palm Hammock is not found in any other regulation, and therefore, deletion of Section 9-5.342 from Monroe County's land development regulations is not consistent with the 2010 Monroe County Comprehensive Plan.

7. All other elements of the Ordinance 008-2006 are consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

8. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

9. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

10. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 008-2006 are land development regulations.

11. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

12. Ord. 008-2006 promotes and furthers the following Principles:

- (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

- (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands, dune ridges and beaches, wildlife, and their habitat).

- (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

- (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

13. Deletion of Section 9-5.342 from Monroe County's land development regulations is not consistent with the 2010 Monroe County Comprehensive Plan.

14. With the exception of the proposed deletion of Section 9-5.342, Ord. 008-2006 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that all elements of Ord. 008-2006, except for the deletion of Section 9-5.342 from Monroe County's land development regulations, are found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and are hereby APPROVED. The deletion of Section 9-5.342 from Monroe County's land development regulations is not consistent with the 2010 Monroe County Comprehensive Plan and is hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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TRACY D. SUBER  
 State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO

SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.56, AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 5th day of June, 2006.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Charles McCoy  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Aref Joulani  
Acting Director  
Planning and Environmental Resources  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

DCA Final Order No.: DCA06-OR-124  
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 009-2006

\_\_\_\_\_  
FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On April 6, 2006, the Department received for review Monroe County Ordinance No. 009-2006 (“Ord. 009-2006”).
3. The final order for this Ordinance must be signed by June 2, 2006.
4. The purpose of the Ordinance is to implement Goal 105 of the Monroe County Comprehensive Plan utilizing tier overlay maps as the basis for the competitive point system; providing revised criteria for the building permit allocation system; establishing new allocations for sub areas; allowing the transfer of development exempt from ROGO provided the receiver site is located in Tier 3, is not in a velocity zone, and requires no clearing; and creating an appeal process.
5. Ordinance 009-2006 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).
7. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
8. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 009-2006 are land development regulations.
9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
10. Ord. 009-2006 promotes and furthers the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

- (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands, dune ridges and beaches, wildlife, and their habitat).
- (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
- (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.
- (i) To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.
- (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
- (k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
- (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida Resource.

11. Ord. 009-2006 is consistent with the Principles for Guiding Development as a whole.  
 WHEREFORE, IT IS ORDERED that Ord. 009-2006 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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TRACY D. SUBER  
 State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE

PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 5th day of June, 2006.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Charles McCoy  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Aref Joulani  
Acting Director  
Planning and Environmental Resources  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

DCA Final Order No.: DCA06-OR-127  
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 013-2006

\_\_\_\_\_  
FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005),

approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On April 6, 2006, the Department received for review Monroe County Ordinance No. 013-2006 (“Ord. 013-2006”).

3. The final order for this Ordinance must be signed by June 2, 2006.

4. The Ordinance implements Goal 105 of the Monroe County Comprehensive Plan utilizing the tier overlay maps for all land in unincorporated Monroe County between Key West and Ocean Reef, and designating the tier boundaries of Tier 1, Tier 2, Tier 3, and Tier 3 Special Protection Areas.

5. Ordinance 013-2006 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

7. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

8. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 013-2006 are land development regulations.

9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

10. Ord. 013-2006 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands, dune ridges and beaches, wildlife, and their habitat).

(f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments.

(i) To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.

11. Ord. 013-2006 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 013-2006 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 TRACY D. SUBER  
 State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 5th day of June, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Charles McCoy  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Aref Joulani  
Acting Director  
Planning and Environmental Resources  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

DCA Final Order No.: DCA06-OR-126  
STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE COUNTY  
ORDINANCE NO. 011-2006

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.

2. On April 6, 2006, the Department received for review Monroe County Ordinance No. 011-2006 (“Ord. 011-2006”).

3. The final order for this Ordinance must be signed by June 2, 2006.

4. The Ordinance implements Goal 105 of the Monroe County Comprehensive Plan utilizing the tier overlay maps for all land in unincorporated Monroe County between Key West and Ocean Reef, and designating the tier boundaries of Tier 1, Tier 2, Tier 3, and Tier 3 Special Protection Areas.

5. Ordinance 011-2006 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

7. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

8. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 011-2006 are land development regulations.

9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

10. Ord. 011-2006 promotes and furthers the following Principles:

- (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
- (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands, dune ridges and beaches, wildlife, and their habitat).
- (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.

(j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.

11. Ord. 011-2006 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 011-2006 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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TRACY D. SUBER  
 State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 5th day of June, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Charles McCoy  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Aref Joulani  
Acting Director  
Planning and Environmental Resources  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

RESIDENTIAL CONSTRUCTION MITIGATION PROGRAM – COMPETITIVE GRANT PROGRAM

The Department of Community Affairs is providing you with notification of its intent to open the State Fiscal Year 2006-2007 cycle for competitive awards from the Residential Construction Mitigation Program. Funding for SFY is 2006-2007 is \$3.4 million.

The RCMP provides competitive grants to state or regional agencies, local governments, and private non-profit/for profit (by RFP process) organizations to implement projects that will further the RCMP program objective of enhancing residential wind mitigation. Eligible applicants may submit multiple applications, however, no single application shall seek or receive an award in excess of \$200,000 per state fiscal year. All eligible applicants, with the exception of counties and state agencies shall be limited to no more than three (3) application submissions in an application cycle.

The Department encourages all interested and eligible parties with projects that will enhance wind mitigation capabilities within the State of Florida to apply for awards during this open period in the following six categories.

APPLICATION CATEGORIES:

Applications are accepted in the following six categories:

1. Projects that will promote public education on wind mitigation and wind mitigation areas.
2. Projects that encourage and/or increase integration of wind mitigation into comprehensive planning and local mitigation plans.
3. Projects that will promote market based, non-regulatory approaches to mitigation, including, but not limited to, training in regard to wind mitigation (construction) techniques, products and procedures.
4. Assistance to low and moderate income residents which promotes wind mitigation.



5. Projects which enhance program administration and identification, measurement and attainment of project goals.
6. Other projects that will further wind mitigation/RCMP objectives which have been designated by the Program as priorities as detailed in this Notice of Fund Availability/RFP. Priority points will be awarded only for projects that address the following priority areas.

Priority Areas:

- A. Projects which implement wind mitigation in the State/Local Mitigation Strategy and are clearly identified as projects which can be initiated and completed within the grant contract period. The applicant must provide a copy of the Local Mitigation Strategy priority initiative list reflecting inclusion of their project(s).
- B. Projects which will provide for product testing, measurement or enhancements which will improve wind mitigation in residential structures.
- C. Projects that will address effectiveness of wind mitigation programs and projects.
- D. Projects which promote residential wind mitigation through the code, trade or construction industries, including related or affiliated programs and organizations.

Applications addressing the above (A through D) priorities must be submitted under Project Category #6, "Other projects that will further wind mitigation/RCMP objectives which have been designated by the RCMP program as priorities in this Notice of Fund Availability".

TO DOWNLOAD CHAPTER 215.559, FLORIDA STATUTES APPLICATION PACKET AND related information please visit our website at <http://www.florida-disaster.org/brm/rcmp/index.htm>

Applications must be prepared in conformance with the application packet instructions. Applications must be received at the following address by July 17, 2006, no later than 4:00 p.m., local time:

Department of Community Affairs  
 Division of Emergency Management  
 Attention: RCMP  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

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Notice of Funding Availability

The Department of Community Affairs, Division of Emergency Management is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declarations (FEMA-1609-DR-FL). The HMGP is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act and is designed to assist communities in implementing mitigation measures designed to reduce or eliminate long-term risk to people and property from natural hazards and their effects. DEM is soliciting applications and encourage all

eligible applicants to identify and submit applications that address eligible mitigation activities that are designed to reduce your community's overall risk to hazards. The amount of funding available to the state is based on 7.5% of the total federal disaster assistance for these events. The application period will close September 15, 2006. Therefore, all applications must be postmarked by September 15, 2006. The Department encourages and welcomes the submittal of complete applications at anytime during this cycle.

Application Timeline

Applications are currently being accepted. The deadline for the submission of applications is September 15, 2006 (postmarked). Applications will only be accepted from eligible applicants as defined in the Minimum Program Eligibility section of this notice. Please provide four completed copies of the State of Florida Joint Hazard Mitigation and Flood Mitigation Assistance Application and all appropriate attachments, which may be obtained at the DEM website located at <http://www.floridadisaster.org/brm/hmgp.htm>

Alternatively, you may contact the DEM directly at (850)413-9884. In order to be considered, completed applications must be sent to the following address:

Florida Department of Community Affairs  
 Division of Emergency Management  
 Mitigation Section  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100  
 ATTN: Hazard Mitigation Grant Program

Minimum Program Eligibility

Eligible Applicants: are local governments, state agencies, federally recognized Indian Tribal governments and private non-profit organizations and institutions.

Eligible Activities: include mitigation projects that will result in protection of public or private property from natural hazards. Eligible projects include, but are not limited to:

- Acquisition of hazard prone properties
- Retrofitting of existing buildings and facilities
- Elevation of flood prone structures
- Infrastructure protection measures
- Storm water management improvements
- Minor structural flood control projects
- Relocation of structures from hazard prone areas
- Retrofitting of existing buildings and facilities for shelters

The state will not consider funding request for:

- Generators: Unless they are an integral part of a larger eligible project
- Construction of new facilities: However, the cost associated with above code upgrades can be considered.
- Equipment such as emergency pumps, vehicles and communication devices.
- Tree removal.
- Projects already in progress. (Construction may not begin until the project has met requirements of the National

Environmental Policy Act. In addition, the contract between the State and subgrantee must be executed.)

All projects submitted must meet the following minimum criteria to be considered for funding:

- Conform with the State Mitigation Plan and the respective community’s Local Mitigation Strategy;
- Demonstrate cost-effectiveness;
- Is technically feasible;
- Provide a beneficial impact upon the designated disaster area;
- Conform to all applicable environmental laws, and regulations and executive orders;
- Solve a problem independently or constitutes a functional part of a solution;
- Is in an NFIP participating community that is not on probation or have been suspended from NFIP; and
- Meet all applicable state and local codes and standards.

**Cost-Share Requirements**

Under the HMGP, FEMA will contribute up to 75 percent (75%) of the total amount approved under the grant award to implement eligible cost-effective mitigation measures. The applicant must provide the remaining 25 percent (25%) non-federal share. All contributions, cash or in-kind services, are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 44 Code Federal Regulations, Section 13.24. In-kind contributions must be directly related to the eligible project cost. In-kind resources are those personnel, materials, equipment and supplies owned, controlled and operated by the applicant or a third party contributor. Applicants are encouraged to link HMGP funds with other state, local and private sources.

**Pre-Award Costs**

Prior to receiving a grant award, pre-award costs may be requested. Pre-award costs include items such as engineering, environmental study, permitting and other “soft” costs associated with a construction project. Construction activities are not considered pre-award costs. Pre-award costs must be requested in writing.

**Technical Assistance**

DEM is in the process of scheduling HMGP application development workshops. The dates, times, locations and a short overview of the workshops will be posted on the DEM website [www.floridadisaster.org](http://www.floridadisaster.org) DEM will provide technical assistance throughout the application process. DEM will be available to assist with the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions

regarding the allocation of funds or the project review and selection criteria, please call Bureau staff at one of the following numbers:

- (850)922-5269 (Grants/Projects Review Office)
- (850)413-9884 (Mitigation Planning Office)
- (850)922-5332 (Engineering and Technical Feasibility)

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation intends to issue an “Airport Site Approval Order,” in accordance with Chapter 330, Florida Statutes, “Regulation of Aircraft, Pilots, and Airports” and Chapter 14-60, Florida Administrative Code, “Airport Licensing, Registration, and Airspace Protection” for the following site:

Rybovich Marina Heliport, a private airport, in Palm Beach County, at Latitude 26° 45' 02" and Longitude 80° 03' 05", to be owned and operated by Mr. Alex Muxo, 450 E. Las Olas Blvd., Suite 1500, Ft. Lauderdale, FL 33301.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, [aviation.fdot@dot.state.fl.us](mailto:aviation.fdot@dot.state.fl.us), Website <http://www.dot.state.fl.us/aviation>

**ADMINISTRATIVE HEARING RIGHTS:** Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with: Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

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 Toyota Motor Sales, USA Inc., intends to allow the establishment of S. Woods Industries, LLC, d/b/a Treasure Coast Lexus, as a dealership for the sale of Lexus automobiles, at 5205 South U.S. Federal Highway 1, Fort Pierce (St. Lucie County), Florida 34982-7365, on or after January 1, 2007.

Legal Description of 5205 South U.S. Federal Highway, Fort Pierce, FL 34982

**LEGAL DESCRIPTION**

COMMENCING AT THE CENTER OF SECTION 3, TOWNSHIP 36 SOUTH RANGE 40 EAST; THENCE S. 89 DEGREES 53' 07" W., ALONG THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 3, A DISTANCE OF 331.00 FEET; THENCE S. 00 DEGREES 20' 19" E., PARALLEL TO SAID NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3, A DISTANCE OF 544.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHERLY ALONG SAID LINE, A DISTANCE OF 125.50 FEET; THENCE N. 89 DEGREES 53' 07" E., A DISTANCE OF 289.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY No. 1 (120.00' WIDE); SAID POINT BEING 42.00 FEET WEST OF, AS MEASURED PERPENDICULAR TO, THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3; THENCE S. 00 DEGREES 20' 19" E., ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 487.02 FEET TO A POINT LYING 165.00 FEET NORTH OF, AS MEASURED PERPENDICULAR TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE S. 89 DEGREES 53' 56" W., PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 619.56 FEET TO A POINT LYING 661.55 FEET WEST OF, AS MEASURED PERPENDICULAR TO, THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3, THENCE S. 00 DEGREES 20' 19" E., PARALLEL WITH SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 165.00 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE S. 89 DEGREES 53' 56" W., ALONG SAID SOUTH LINE, A DISTANCE OF 331.16 FEET TO THE EAST LINE OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE N. 00 DEGREES 16' 42" W., ALONG SAID EAST LINE, A DISTANCE OF 316.80 FEET; THENCE N. 89 DEGREES 53' 07" E., A DISTANCE OF 261.38 FEET TO A POINT THAT IS 731.00 FEET WEST OF,

AS MEASURED PERPENDICULAR TO, THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3; THENCE N. 00 DEGREES 20' 19" W., PARALLEL TO SAID NORTH-SOUTH QUARTER SECTION LINE, A DISTANCE OF 580.00 FEET TO A POINT THAT IS 425.00 FEET SOUTH OF, AS MEASURED PERPENDICULAR TO, THE EAST-WEST QUARTER SECTION LINE OF SAID SECTION 3; THENCE N. 89 DEGREES 53' 07" E., PARALLEL WITH SAID EAST-WEST QUARTER SECTION LINE, A DISTANCE OF 200.00 FEET; THENCE S. 00 DEGREES 20' 19" E., A DISTANCE OF 119.50 FEET; THENCE N. 89 DEGREES 53' 07" E., A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING. ALL LYING IN ST. LUCIE COUNTY, FLORIDA.

CONTAINING 503,927 SQUARE FEET OR 11.57 ACRES, MORE OR LESS

**END OF DESCRIPTION**

The name and address of the dealer operator(s) and principal investor(s) of S. Woods Industries, LLC, d/b/a Treasure Coast Lexus, are dealer operator(s): Sandy L. Woods, 9207 Adamo Drive, Tampa, Florida 33619; principal investor(s): Sandy L Woods, 9207 Adamo Drive, Tampa, Florida 33619.

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 U.S. Mail to: Mark Del Rosso, Toyota Motor Sales, USA Inc., Lexus Southern Area, 11540 Great Oaks Way, Alpharetta, Georgia 30022.

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, Toyota Motor Sales, USA Inc., intends to allow the establishment of S.D.S. Autos, Inc., d/b/a Lexus of Orange Park, as a dealership for the sale of Lexus automobiles, at 7010 Blanding Boulevard, Jacksonville (Duval County), Florida 33186, on or after June 31, 2007.

The name and address of the dealer operator(s) and principal investor(s) of S.D.S. Autos, Inc., d/b/a Lexus of Orange Park, are dealer operator(s): A. Dano Davis, 4861 Ortega Boulevard, Jacksonville, Florida 32210, and Robert F. Snodgrass, 10259 Atlantic Boulevard, Jacksonville, Florida 32225; principal investor(s): Robert F. Snodgrass, 10259 Atlantic Boulevard, Jacksonville, Florida 32225.

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 U.S. Mail to: Mark Del Rosso, Toyota Motor Sales, USA Inc., Lexus Southern Area, 11540 Great Oaks Way, Alpharetta, Georgia 30022.

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, Vento Motorcycles, Inc. ("Vento"), intends to allow the establishment of Ferrara's Garage, Inc., as a dealership for the sale of Vento motorcycles at 670 South Wickham Road, Melbourne (Brevard County), Florida 32904, on or after June 5, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Ferrara's Garage, Inc., are dealer operator(s): Anthony Ferrara, 670 South Wickham Road, Melbourne, Florida 32904; principal investor(s): Anthony Ferrara, 670 South Wickham Road, Melbourne, Florida 32904.

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 U.S. Mail to: Matthew Scott, 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, Power Sports Factory, Inc., intends to allow the establishment of World Ventures Corporation, d/b/a SCOOTER DOMAIN.COM, as a dealership for the sale of Yamati and QianJiang motorcycles at 12388 Southwest 130th Street, Miami (Dade County), Florida 33186, on or after June 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of World Ventures Corporation, d/b/a SCOOTER DOMAIN.COM, are dealer operator(s): Gabriel Azcunce, 12388 Southwest 130th Street, Miami, Florida 33186; principal investor(s): Gabriel Azcunce, 12388 Southwest 130th Street, Miami, Florida 33186.

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 U.S. Mail to: Steve Rubakh, President, Power Sports Factory, 6950 Central Highway, Pennsauken, New Jersey 08109.

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, Power Sports Factory, Inc., intends to allow the establishment of Trance Energy, LLC, d/b/a Hot Ride, as a dealership for the sale of Yamati and QianJiang motorcycles at 5227 East Colonial Drive, Orlando (Orange County), Florida 32807, on or after May 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Trance Energy, LLC, d/b/a Hot Ride, are dealer operator(s): Eugeni Karlov, 5227 East Colonial Drive, Orlando, Florida 32807; principal investor(s): Eugeni Karlov, 5227 East Colonial Drive, Orlando, Florida 32807.

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 U.S. Mail to: Steve Rubakh, President, Power Sports Factory, Inc., 6950 Central Highway, Pennsauken, New Jersey 08109.

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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Power Sports Factory, Inc., intends to allow the establishment of Honda Key West as a dealership for the sale of Yamati and QianJiang motorcycles at 417 Southerd Street, Key West (Monroe County), Florida 33040, on or after June 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Honda Key West are dealer operator(s): Victor Mills, 417 Southerd Street, Key West, Florida 33040; principal investor(s): Victor Mills, 417 Southerd Street, Key West, Florida 33040.

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 U.S. Mail to: Steve Rubakh, President, Power Sports Factory, Inc., 6950 Central Highway, Pennsauken, New Jersey 08109.

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, STR Motorsports, Inc., intends to allow the establishment of ALI-J, Inc., d/b/a Sarasota Scooter Company, as a dealership for the sale of KYMCO motorcycles at 1540 Main Street, Sarasota (Sarasota County), Florida 34230, on or after May 25, 2006.

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(s): Jeffrey A. Free, 5924 Tarpon Gardens Circle, #202, Cape Coral, Florida 33914, and Alison D. Free, 5924 Tarpon Gardens Circle, #202, Cape Coral, Florida 33914; principal investor(s): Jeffrey A. Free, 5924 Tarpon Gardens Circle, #202, Cape Coral, Florida 33914, and Alison D. Free, 5924 Tarpon Gardens Circle, #202, Cape Coral, Florida 33914.

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 U.S. Mail to: Kendall Huggins, Regional Sales Manager, STR Motorsports, Inc., 1770 Campton Road, Inman, South Carolina 29349.

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, Volkswagen of America, Inc. ("VWoA"), intends to allow the establishment of Aristocrat Volkswagen East, Inc., as a dealership for the sale of Volkswagen line-make vehicles at 12696 East Colonial Drive, Orlando (Orange County), Florida 32828, on or after May 31, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Aristocrat Volkswagen East, Inc., are dealer operator(s): William Larry Bishop, 850 Dyson Drive, Winter Springs, Florida 32708; principal investor(s): William Larry Bishop, 850 Dyson Drive, Winter Springs, Florida 32708, and William Lawnie Bishop, 4948 Lake Sharp Drive, Orlando, Florida 32817.

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 U.S. Mail to: Donald K. Hughes, Regional Director, Southeast Region, Volkswagen of America, Inc., Auburn Hills, Michigan 48326.

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, United Motors of America intends to allow the establishment of Stock Mild to Wild as a dealership for the sale of UM motorcycles, motorcycles (ZHEJ) manufactured by Zhejian Taizhou Wangye Power Co., Ltd., and motorcycles (ZONG) manufactured by Chongqing Zongshen Group-Zongshen Industrial Group, at 2012 Blanding Boulevard, Jacksonville (Duval County), Florida 32210, on or after May 26, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Stock Mild to Wild are dealer operator(s): Ryan Kallina, 805 Shady Reach Drive, Jacksonville, Florida 32221; principal investor(s): Ryan Kallina, 805 Shady Reach Drive, Jacksonville, Florida 32221.

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 U.S. Mail to: Melissa Bell, Sales Support, United Motors of America, 8801 Northwest 23rd Street, Miami, Florida 33172.

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, Santiago Chopper Specialties, LLC, intends to allow the establishment of Autowise Buying Service, Inc., as a dealership for the sale of Santiago Chopper motorcycles at 9875 U.S. Highway 41 South, Gibsonton (Hillsborough County), Florida 33534, on or after June 5, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Autowise Buying Service, Inc., are dealer operator(s): Dan Dhein, 2806 Sharer Road, Tallahassee, Florida 32312; principal investor(s): Dan Dhein, 2806 Sharer Road, Tallahassee, Florida 32312.

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 U.S. Mail to: Christine Bernard, Santiago Chopper Specialties, LLC, 9879 U.S. Highway 41, South, Gibsonton, Florida 33534.

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, LS MotorSports, LLC, intends to allow the establishment of ALI-J, Inc., d/b/a Sarasota Scooter Company, as a dealership for the sale of Diamo motorcycles at 1540 Main Street, Sarasota (Sarasota County), Florida 34236, on or after May 23, 2006.

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(s): Jeffrey Free, 1540 Main Street, Sarasota, Florida 34236, and Alison Free, 1540 Main Street, Sarasota, Florida 34236; principal investor(s): Jeffrey Free, 1540 Main Street, Sarasota, Florida 34236, and Alison Free, 1540 Main Street, Sarasota, Florida 34236.

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 U.S. Mail to: Mathu Solo, President, LS MotorSports, 12505 Reed Road, Suite 145, 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.

**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."

**METROPOLITAN PLANNING ORGANIZATIONS**

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR FISCAL YEAR 2006/2007**

It is the policy of the Hernando County Metropolitan Planning Organization (MPO) to provide Disadvantaged Business Enterprises (DBEs) the opportunity to participate in contracts for The Hernando Express Bus (THE Bus) that are financed in whole or part with funds from the Federal Transit Administration. For this reason the MPO has established a Fiscal Year 2006/2007 Goal of 4% for the DBE Program. A description of the goal and the process for establishing the goal are available for review during regular business hours by contacting Steve Diez, Transportation Planner, in the Hernando County Metropolitan Planning Organization, 20 North Main Street, Brooksville, Florida 34601, or by calling (352)754-4057. The DBE goal and rationale are also posted on THE Bus website at: [www.hernandobus.com](http://www.hernandobus.com). The address for the Federal Transit Administration, Office of Civil Rights is: 100 Alabama Street, S. W., Suite 17150, Atlanta, Georgia 30303. The DBE goal and the rationale for its adoption will be available for inspection for 45 days following the date of this notice.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**CERTIFICATE OF NEED  
NOTICE OF WITHDRAWAL**

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need applications:

County: Dade Service District: 11  
CON # 9932 Decision Date: 5/31/2006 Decision: W

Facility/Project: Mount Sinai Medical Center  
Applicant: Mount Sinai Medical Center of Florida, Inc.  
Project Description: Establish an adult autologous or allogeneic bone marrow transplantation program.

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.

**CERTIFICATE OF NEED  
EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Broward District: 10  
ID # 0500017 Decision: A Issue Date: 6/5/2006

Facility/Project: Memorial Hospital Miramar  
Applicant: South Broward Hospital District  
Project Description: Establish a 10-bed Level II NICU  
Proposed Project Cost: \$4,600,000

County: Escambia District: 1  
ID # 0500018 Decision: A Issue Date: 6/1/2006

Facility/Project: Baptist Hospital  
Applicant: Baptist Hospital, Inc.  
Project Description: Add 11 adult inpatient psychiatric beds  
Proposed Project Cost: \$1,400,000

County: Broward District: 10  
ID # 0500019 Decision: A Issue Date: 6/5/2006

Facility/Project: Atlantic Shores Hospital  
Applicant: Atlantic Shores Hospital, LLC  
Project Description: Add 16 child/adolescent psychiatric beds  
Proposed Project Cost: \$0

**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 JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted a new policy for review and comment on MyFlorida.com at: [http://www.djj.state.fl.us/policies\\_procedures/policyreview.html](http://www.djj.state.fl.us/policies_procedures/policyreview.html). (Note that this is a new location on the Department's Website.)

Probation Contract Management and Monitoring (FDJJ 6004, department-wide policy type B) – establishes procedures for Office of Probation and Community Corrections (P&CC) contract management and monitoring to ensure services are delivered in accordance with the terms and conditions of the contract prior to processing invoices for payment. This policy is posted for a single 20 working day review and comment period, with the closure date for submission of comments on this policy of July 14, 2006. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

**DEPARTMENT OF HEALTH**

On May 26, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Angel Harden, L.P.N. license number PN 5165623. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Brandi Lynn Smith, R.N. license number RN 3202862. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary

determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Rachael Nicole Robinette, R.N. license number RN 9243801. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Menesha Alexandria Jones, L.P.N. license number PN 5162199. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Marcia A. Richards, L.P.N. license number PN 1339921. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On June 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Shilo Lunsford, R.N. license number RN 9188149. This Emergency

Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of David Peter Ettus, R.N. license number RN 2832562. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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## **FINANCIAL SERVICES COMMISSION**

### **NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following applications. 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, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, 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. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 7, 2006:

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**  
Applicant and Proposed Location: USAmeriBank, East Bay Drive, (S. W. Corner of Highland Avenue and East Bay Drive), Largo, Pinellas County, Florida 33740  
Correspondent: Gregory C. Yadley, 101 E. Kennedy Boulevard, Suite 2800, Tampa, Florida 33602  
Received: May 30, 2006

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN May 30, 2006  
 and June 2, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

5C-4.001	6/1/06	6/21/06	32/11	23/18
5C-4.0015	6/1/06	6/21/06	32/11	32/17
5C-4.0016	6/1/06	6/21/06	32/11	32/17
5C-4.0017	6/1/06	6/21/06	32/11	32/17
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5C-4.003	6/1/06	6/21/06	32/11	32/17
5C-4.004	6/1/06	6/21/06	32/11	32/17
5C-4.005	6/1/06	6/21/06	32/11	32/17
5C-4.008	6/1/06	6/21/06	32/11	32/17

**Division of Food Safety**

5K-5.014	6/2/06	7/1/06	32/14	
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**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

12B-8.001	5/31/06	6/20/06	32/2	32/9
12B-8.0012	5/31/06	6/20/06	32/2	
12B-8.003	5/31/06	6/20/06	32/2	

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Office of Licensure and Certification**

59A-7.020	6/2/06	6/22/06	32/12	
59A-7.029	6/2/06	6/22/06	32/12	
59A-7.030	6/2/06	6/22/06	32/12	
59A-13.004	6/2/06	6/22/06	32/13	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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59A-13.005	6/2/06	6/22/06	32/13	
59A-13.007	6/2/06	6/22/06	32/13	
59A-13.008	6/2/06	6/22/06	32/13	
59A-13.009	6/2/06	6/22/06	32/13	
59A-13.010	6/2/06	6/22/06	32/13	
59A-13.013	6/2/06	6/22/06	32/13	
59A-13.014	6/2/06	6/22/06	32/13	
59A-13.015	6/2/06	6/22/06	32/13	
59A-13.020	6/2/06	6/22/06	32/13	
59A-13.022	6/2/06	6/22/06	32/13	

**Medicaid Program Office**

59G-4.199	6/1/06	6/21/06	31/50	32/10
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

61D-11.027	6/1/06	6/21/06	31/49	
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**Board of Professional Surveyors and Mappers**

61G17-5.001	5/31/06	6/20/06	32/17	
61G17-5.0031	5/31/06	6/20/06	32/17	
61G17-5.0051	5/31/06	6/20/06	32/17	
61G17-6.0031	5/31/06	6/20/06	32/16	
61G17-6.005	5/31/06	6/20/06	32/16	
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61G17-6.007	5/31/06	6/20/06	32/16	
61G17-8.0011	5/31/06	6/20/06	32/17	
61G17-9.007	5/31/06	6/20/06	32/17	
61G17-10.001	5/31/06	6/20/06	32/17	