

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: 6D-9.007 RULE TITLE: Health Care Policies

PURPOSE AND EFFECT: This rule addresses maintaining written policies and procedures of quality health services to meet the needs of students served at the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Health Care Center Policies and Procedures Manual.

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4), 1002.36(4)(f)5. FS.

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

DATE AND TIME: Saturday, October 21, 2006, 9:00 a.m.

PLACE: Leadership Training Building, Moore Hall, FSDB Campus, St. Augustine, Florida

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 47 hours before the workshop/meeting by contacting: Elmer Dillingham, President – Florida School for the Deaf and the Blind. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: 12B-4.013 RULE TITLE: Conveyances Subject to Tax

PURPOSE AND EFFECT: The purpose of amendments to Rule 12B-4.013, F.A.C. (Conveyances Subject to Tax), is to remove subsections (7), (8), and (10) from Rule 12B-4.013, F.A.C., in compliance with the ruling of the Florida Supreme Court in *Crescent Miami Center, LLC v. Department of Revenue* SC03-2063, 2005 WL 1176053, 30 Fla. L. Weekly S366 (Fla. May 19, 2005). These rule subsections currently provide that: (1) conveyances of realty to corporations and partnerships in exchange for an ownership interest are subject to the documentary stamp tax; and (2) conveyances of realty by a corporation as payment in lieu of cash dividends or

transferred in corporate dissolutions or corporate liquidations are subject to the documentary stamp tax. The effect of the removal of subsections (7), (8), and (10) of this rule is to ensure that the Department's rules conforms to existing statutes and this case law.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the removal of provisions regarding the application of documentary stamp tax rendered obsolete with the court's decision rendered in *Crescent Miami Center, LLC*.

SPECIFIC AUTHORITY: 201.11, 213.06(1) FS.

LAW IMPLEMENTED: 201.01, 201.02 FS.

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

DATE AND DATE: October 16, 2006, 11:00 a.m.

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12B-4.013 Conveyances Subject to Tax.

(1) through (6) No change.

~~(7) Corporation: A conveyance of realty to a corporation in exchange for shares of its capital stock, or as a contribution to the capital of a corporation, is subject to tax. There is a presumption that the consideration is equal to the fair market value of the real property interest being transferred.~~

~~(8) Corporation Dividends, Dissolution, Liquidation: A conveyance of real property by a corporation to its stockholders in lieu of a cash or stock dividend, or for the surrender or retirement of the corporate stock, is taxable. There is the presumption that the consideration is equal to the fair market value of the real property interest being transferred.~~

~~(7)(9) No change.~~

~~(10) Partnerships: A conveyance of real property by a partner in exchange for an interest in a partnership, or where the value of the partner's interest in the partnership is increased by the conveyance, is taxable. There is the presumption that the~~

~~consideration is equal to the fair market value of the real property interest being transferred. This presumption for consideration is also applicable for transfers of real property from a partnership to a partner, except as otherwise provided in Section 201.02(5), F.S.~~

(11) through (32) renumbered (8) through (29) No change.

Specific Authority 201.11, 213.06(1) FS. Law Implemented 201.01, 201.02 FS. History—Revised 8-18-73, Formerly 12A-4.13, Amended 12-11-74, 2-21-77, 5-23-77, 12-26-77, 7-3-79, 9-16-79, 11-29-79, 3-27-80, 12-23-80, 12-30-82, Formerly 12B-4.13, Amended 12-5-89, 6-4-90, 2-13-91, 2-16-93, 10-18-94, 12-30-97, 7-28-98, 1-4-01, 5-4-03,_____.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.:	RULE TITLE:
12E-1.032	Electronic Remittance of Support Payments

PURPOSE AND EFFECT: The purpose of creating proposed Rule 12E-1.032, F.A.C., is to provide instruction and guidance to employers regarding the electronic remittance of support payments and electronic submission of associated case data to the State Disbursement Unit. The effect of this proposed rule is to develop procedures to use in the administration of Section 61.1824(6), F.S. These procedures will reduce data entry errors and misapplied payments as well as reduce the amount of time to process the payments, resulting in families receiving their support quicker.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to implement a procedure to be used in the administration of Section 61.1824(6), F.S., which provides instruction and guidance to employers regarding the electronic remittance of support payments and the electronic submission of associated case data to the State Disbursement Unit.

SPECIFIC AUTHORITY: 61.1824(6), 409.2557(3)(o) FS.

LAW IMPLEMENTED: 61.1824(6) FS.

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

DATE AND TIME: October 16, 2006, 2:00 p.m.

PLACE: Room 301, 4070 Esplanade Way, Tallahassee, Florida 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department

of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address scruggsp@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12E-1.032 Electronic Remittance of Support Payments.

(1) Scope. This rule chapter sets forth the rules to be used in the administration of Section 61.1824(6), F.S., which provides for the electronic remittance of support payments deducted pursuant to an income deduction order or income deduction notice and the electronic submission of associated case data by an employer to the State Disbursement Unit. An employer who needs general information concerning the electronic remittance of support payments and associated case data may contact the State Disbursement Unit, EFT Marketing, at (850)205-8227.

(2) Definitions. As used in this rule:

(a) "Addenda record" means information required by the Department in an Automated Clearing House Credit "ACH credit" transfer that is needed to completely identify an employer or provide information concerning a payment, in approved electronic format.

(b) "Associated case data" means support payment information required to be submitted to the State Disbursement Unit pursuant to Title IV-D of the Social Security Act, subsection (5)(h), subparagraph 1. through 10., of this rule lists the case data required to be submitted to the State Disbursement Unit.

(c) "Automated Clearing House" or "ACH" means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(d) "Automated Clearing House Credit" or "ACH credit" means the electronic transfer of funds generated by the employer, cleared through the ACH for deposit to the State Disbursement Unit.

(e) "Department" means the Florida Department of Revenue.

(f) "Due date" means the date that an electronic payment and associated case data must be received by the State Disbursement Unit.

(g) "Electronic means" includes any one or more of the following methods of transmitting funds or data: electronic data interchange, electronic funds transfer, Internet, or any other technology designated by the Department.

(h) "Employer" means a person, business, or organization that pays one or more workers to perform a service or engage in an activity in exchange for financial compensation.

(i) "Employer's representative" means a financial institution or business utilized by the employer to provide ACH support payment services.

(j) “National Automated Clearing House Association” or “NACHA” means the national trade association for electronic payments associations, which establishes the rules, industry standards, and procedures governing the exchange of commercial ACH payments by depository financial institutions.

(k) “State Disbursement Unit” or “SDU” means the single unit in the state that receives all withheld support payments and processes all support payments pursuant to Section 61.1824, F.S.

(3) Methods of Transferring Funds and Associated Case Data by Electronic Means.

(a) Electronic remittance of support payments and associated case data by the employer or the employer’s representative to the State Disbursement Unit shall be in a format used within the “Automated Clearing House” or “ACH” network to conduct the transfer of support funds between business or government entities. An acceptable format includes either “Cash Concentration and Disbursement Plus (CCD+)” or “Corporate Trade Exchange (CTX).”

(b) The ACH credit transfer is the method by which employers subject to electronic payment requirements under this rule shall remit payments and associated case data by electronic means.

(4) Remittance or Transmission Problems.

(a) If the employer or employer’s representative incorrectly submits associated case data or incorrectly remits support payments, the employer or the employer’s representative shall contact, not later than the next business day after the date on which the error is discovered, the State Disbursement Unit toll-free at (888)883-0743 or the local number at (850)201-0183 for specific instructions.

(b) The State Disbursement Unit shall review payment error and associated case data problems, determine the course of action to correct the error(s), and take steps to process the information and payment. The Department shall assist the State Disbursement Unit in resolving payment errors on a case-by-case basis.

(c) To assist the employer or employer’s representative in complying with Section 61.1824(6), F.S., and this rule chapter, the State Disbursement Unit shall contact the employer or employer’s representative when one or more of the following conditions exist.

1. The employer or employer’s representative does not transmit error-free payments and associated case data.
2. The employer or employer’s representative varies from the requirements and specifications of these rules.
3. The employer or employer’s representative fails to make timely electronic payments or timely provide associated case data, or fails to provide the required addenda record with the electronic payment.

(d) The State Disbursement Unit shall help the employer or the employer’s representative resolve the condition(s) in paragraph (c).

(5) Procedures for Payment.

(a) Automated Clearing House Credit Method (ACH Credit Method). An employer who uses the ACH credit method must contact the employer’s financial institution or a business that provides prescribed ACH services and arrange to transfer the support payment to the State Disbursement Unit using an ACH credit transfer.

(b) The employer or employer’s representative must contact the State Disbursement Unit, EFT Marketing, at (850)205-8227, prior to remitting electronically, and provide the information listed in paragraph (c). The State Disbursement Unit will compare the information provided by the employer or employer’s representative with identifying information in the State Disbursement Unit’s child support computer system. Identifying information submitted by the employer or the employer’s representative must match the identifying information in the State Disbursement Unit computer system. If the information does not match, the payment may be misapplied to another case. The State Disbursement Unit will work with the employer or the employer’s representative to resolve discrepancies.

(c) The employer or the employer’s representative must provide the State Disbursement Unit with the following information for each obligor for whom payments will be remitted:

1. Obligor first and last name;
2. Obligor Social Security Number;
3. Obligee first and last name; and
4. Case identifier.

(d) The State Disbursement Unit will inform the employer or employer’s representative of the following when there is a match of the information listed in paragraph (c).

1. State Disbursement Unit’s banking information to send payments electronically; and
2. That electronic remittance of support payments may commence.

(e) Neither the State Disbursement Unit nor the Department will pay for expenses incurred by the employer or employer’s representative to use the ACH credit method. Pursuant to Section 61.1301(2)(e)6., F.S., the employer may collect a fee from the employee’s income for each withheld payment.

(f) To assure the receipt of support payments by the due date, an employer or the employer’s representative must initiate the payment transaction in accordance with subsection (6).

(g) All ACH credit transfers must be in the NACHA Cash Concentration and Disbursement Plus “CCD+” or NACHA Corporate Trade Exchange “CTX” format containing an Accredited Standards Committee (ASC) X12 820 Payment

Order/Remittance Advice Transaction Set with associated addenda record(s) for child support, in the format specified by the Department. The Department uses NACHA guidelines to govern the formats and specifications for the electronic remittance of support payments and the electronic submission of associated case data, which are contained in the User Guide For Electronic Child Support Payments, Using The Child Support Application Banking Convention, Version 4.2, revised August 16, 2005, incorporated herein by reference. Members of the public may obtain a copy of the NACHA guidelines by writing to the Florida Department of Revenue, Child Support Enforcement Program, Attn: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030, or by accessing <http://www.nacha.org/>. The employer, employer's financial institution, or the employer's representative providing ACH services may contact the State Disbursement Unit, EFT Marketing, at (850)205-8227 to determine the formats, standards, and technical requirements to implement this provision.

(h) The electronic record shall include the following associated case data fields.

1. Segment identifier – A unique identifier for a segment composed of a combination of two or three uppercase letters and digits. "DED" is the segment identifier.

2. Application identifier – The type of deduction withheld from an employee's pay. "CS" is the application identifier.

3. Case identifier – The unique identifier composed of alpha and numeric characters based on the court order number.

4. Pay date – The date the income was withheld from the employee's paycheck.

5. Payment amount – The amount of support withheld from the employee's income for a specific pay period, which is paid to the State Disbursement Unit.

6. Noncustodial parent Social Security Number.

7. Medical support indicator – The indicator designates whether the employer offers family medical insurance coverage. If medical insurance coverage is available, place a 'Y' in the field; if there is no coverage available, place an 'N' in the field. The National Automated Clearing House Association standard requires this data element.

8. Noncustodial parent name.

9. Federal Information Processing Standard Code (FIPS code) – The unique code that identifies each child support jurisdiction (i.e., states, counties and central registries). As used in this rule, the FIPS code refers to the code of the State Disbursement Unit receiving the transaction.

10. Employment termination indicator – The employment termination indicator notifies the Department that an individual's employment has terminated. The employer is required to report this information pursuant to Section 61.1301(2)(k), F.S. If the employee has terminated, place a 'Y' in this field; otherwise, the field is not used.

(i) The employer or employer's representative may combine payment amounts from more than one employee in a single payment as long as the required information in subsection (5)(h), subparagraph 1. through 10., is submitted for each employee. In addition, the employer or employer's representative must separately identify the portion of the single payment that is attributable to each employee.

(6) Due Date.

(a) Pursuant to Section 61.1301(1)(a)3., F.S., the employer is required to remit support payments based upon the employee's pay cycle.

(b) The employer or employer's representative who is required to pay support and provide associated case data through electronic means must initiate the transfer so that the amount due is deposited as collected funds to the State Disbursement Unit's account on or before the due date. If the date on which the employer or employer's representative is required to initiate an ACH credit transfer falls on a Saturday, Sunday, or a business or banking holiday, the employer or the employer's representative must initiate the transaction on the preceding business day. For the purpose of this rule, "banking day" has the meaning prescribed in Section 674.104(1), F.S.

(7) Waiver From Electronic Filing Requirements. A waiver granted by the Department from the requirement to electronically file tax returns under Sections 213.755 or 443.163, F.S., constitutes a waiver from the requirement to remit support payments and associated case data by electronic means.

Specific Authority 61.1824(6), 409.2557(3)(o) FS. Law Implemented 61.1824(6) FS. History—New _____.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses

RULE CHAPTER NO.: RULE CHAPTER TITLE:

15A-6 Administrative Suspension Review Hearings

RULE NOS.: RULE TITLES:
15A-6.005 Notice of Suspension/
Disqualification

15A-6.006 Request for Review
15A-6.009 Venue

15A-6.011 Notice of Hearing; Prehearing Order
15A-6.012 Subpoenas

15A-6.013 Formal Review; Introduction of
Evidence; Order

15A-6.014 Preservation of Testimony
15A-6.015 Failure to Appear

15A-6.018 Informal Review
15A-6.019 Judicial Review

15A-6.020 Forms

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to reflect the 2006 revision to Section 322.2615 F.S., Suspension of license; right to review. This rule chapter sets forth the standards for proceedings relating to the review of a suspension or disqualification of a person's driving privilege pursuant to Sections 322.2615, 322.2616, or 322.64, F.S. Currently a law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of Section 316.193, F.S., relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by Section 316.1932, F.S.

The changes reflected in the 2006 revision to Section 322.2165, F.S., provide for further separation of the suspension of the driving privilege and the criminal charge for a violation of Section 316.193, F.S., Driving Under the Influence (DUI). These changes make the suspension purely an administrative function pursuant to Section 322.2615, F.S. The lawful arrest for the criminal charge for DUI is no longer an issue to be considered at a review hearing conducted pursuant to Section 322.2615, F.S. The changes allow for the crash report to be submitted into evidence for the hearing officers' consideration when making their decision and hearing officers are only authorized to issue subpoenas to officers and witnesses identified in particular documents submitted pursuant to Section 322.2615(2), F.S. In addition, a law enforcement agency may appeal any decision of the department invalidating a suspension by a petition for writ of certiorari.

SUBJECT AREA TO BE ADDRESSED: Administrative Suspension Review Hearings.

SPECIFIC AUTHORITY: 322.2615, 322.2616, 322.64 FS.

LAW IMPLEMENTED: 322.2615, 322.2616, 322.64 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: Danny C. Watford, Bureau Chief, Department of Highway Safety and Motor Vehicles, Division of Driver Licenses, Bureau of Administrative Reviews, 2900 Apalachee Parkway, Room C305, Mail Stop 81, Neil Kirkman Building, Tallahassee, Florida 32399-0571, (850)617-2607

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE NO.:	RULE TITLE:
25-22.081	Contents of Petition

PURPOSE AND EFFECT: To implement Section 43, Chapter 2006-230, Laws of Florida, amending Section 403.519(4), Florida Statutes, requiring the Commission to consider certain factors when determining the need for a nuclear power plant.

SUBJECT AREA TO BE ADDRESSED: Need determination proceedings for nuclear plants.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 403.519(4) FS.

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

DATE AND TIME: Wednesday, October 18, 2006, 9:30 a.m.

PLACE: Betty Easley Conference Center, Room 140, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James McRoy, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-7009

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-22.081 Contents of Petition.

(1) Petition for Fossil or Nuclear Fuel Electric Plants.

Petitions submitted to commence a proceeding to determine the need for a proposed fossil or nuclear fuel electrical power plant or responses to the Commission's order commencing such a proceeding shall comply with the other requirements of Chapter 25-22, F.A.C., as to form and style except that a utility may, at its option, submit its petition in the same format and style as its application for site certification pursuant to Sections 403.501 through 403.517, Florida Statutes, so long as the informational requirements of this rule and Chapter 25-22, F.A.C., are satisfied. The petition, to allow the Commission to take into account the need for electric system reliability and

integrity, the need for adequate reasonable cost electricity, the need for fuel diversity and supply reliability, and the need to determine whether the proposed plant is the most cost effective alternative available, shall contain the following information:

~~(a)(1)~~ A general description of the utility or utilities primarily affected, including the load and electrical characteristics, generating capability, and interconnections.

~~(b)(2)~~ A general description of the proposed electrical power plant, including the size, number of units, fuel type and supply modes, the approximate costs, and projected in-service date or dates.

~~(c)(3)~~ A statement of the specific conditions, contingencies or other factors which indicate a need for the proposed electrical power plant including the general time within which the generating units will be needed. Documentation shall include historical and forecasted summer and winter peaks, number of customers, net energy for load, and load factors with a discussion of the more critical operating conditions. Load forecasts shall identify the model or models on which they were based and shall include sufficient detail to permit analysis of the model or models. If a determination is sought on some basis in addition to or in lieu of capacity needs, such as fuel diversity oil-blackout, then detailed analysis and supporting documentation of the costs and benefits is required.

~~(d)(4)~~ A summary discussion of the major available generating alternatives which were examined and evaluated in arriving at the decision to pursue the proposed generating unit. The discussion shall include a general description of the generating unit alternatives, including purchases where appropriate; and an evaluation of each alternative in terms of economics, reliability, long-term flexibility and usefulness and any other relevant factors. These major generating technologies generally available and potentially appropriate for the timing of the proposed plant and other conditions specific to it shall be discussed. In addition, each investor-owned utility shall include a detailed description of the selection process used and a detailed description of the generating unit alternatives proposed by each finalist, if any, selected to participate in subsequent contract negotiations pursuant to Rule 25-22.082, F.A.C. No provision of Rule 25-22.082, F.A.C., shall be applicable to a nuclear power plant sited after June 19, 2006.

~~(e)(5)~~ A discussion of viable nongenerating alternatives including an evaluation of the nature and extent of reductions in the growth rates of peak demand, KWH consumption and oil consumption resulting from the goals and programs adopted pursuant to the Florida Energy Efficiency and Conservation Act both historically and prospectively and the effects on the timing and size of the proposed plant.

~~(f)(6)~~ An evaluation of the adverse consequences which will result if the proposed electrical power plant is not added in the approximate size sought or in the approximate time sought.

~~(g)(7)~~ If the generation addition is the result of a purchased power agreement between an investor-owned utility and a nonutility generator, the petition shall include a discussion of the potential for increases or decreases in the utility's cost of capital, the effect of the seller's financing arrangements on the utility's system reliability, any competitive advantage the financing arrangements may give the seller and the seller's fuel supply adequacy.

(2) In addition to complying with paragraphs (1)(a) through (g) above, a nuclear plant petition shall contain the following information:

(a) A description of how the proposed nuclear power plant will enhance the reliability of electric power production within the state by improving the balance of power plant fuel diversity and reducing Florida's dependence on fuel oil and natural gas.

(b) A description of and a nonbinding estimate of the cost of the nuclear power plant.

(c) The annualized base revenue requirement for the first 12 months of operation of the nuclear power plant.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 403.519 FS. History--New 12-22-81, Formerly 25-2.133, 25-22.81, Amended 1-10-94,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-4.200	Definitions
59A-4.201	Gold Seal Award
59A-4.202	Quality of Care
59A-4.203	Financial Requirements
59A-4.204	Turnover Ratio
59A-4.205	The State Long Term Care Ombudsman Council Review
59A-4.206	Termination and Frequency of Review

PURPOSE AND EFFECT: The Agency proposes to amend Chapter 59A-4, F.A.C., consistent with Section 400.235, F.S. The legislation provides for the development of rules as necessary to administer this section. The proposed revisions reflect recommendations made by the Panel on Excellence in Long Term Care. The Gold Seal Program shall be developed and implemented by this Panel.

SUBJECT AREA TO BE ADDRESSED: Specific to the Gold Seal Program including defining quality of care scoring, advertising and marketing criteria, the application review process, quality of care scoring and ranking, criteria for turnover rate and renewal application receipt.

SPECIFIC AUTHORITY: 400.235(9) FS.

LAW IMPLEMENTED: 400.235 FS.

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

DATE AND TIME: October 18, 2006, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, FL. 32303

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 7 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Dombrowski, Bureau of Long Term Care Services, 2727 Mahan Drive, Mail Stop #51, Tallahassee, Florida, (850)414-9707

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.071

RULE TITLE:
Durable Medical Equipment and
Medical Supply Services Provider
Fee Schedules

PURPOSE AND EFFECT: Rule 59G-4.071, F.A.C., is a new rule that will incorporate by reference the Durable Medical Equipment and Medical Supply Services Provider Fee Schedules that are effective January 2006. The effect of Rule 59G-4.071, F.A.C., will be to incorporate by reference in rule the Durable Medical Equipment and Medical Supply Services Provider Fee Schedules, January 2006.

This Notice of Rule Development replaces the Notice of Rule Development that was published in Vol. 31, No. 30, July 29, 2005, Florida Administrative Weekly.

SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Medical Supply Services Provider Fee Schedules

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Wednesday, October 18, 2006, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308-5403, (850)922-7306

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.071 Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

Medicaid durable medical equipment and medical supply providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, January 2006, and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Recipients Under Age 21, January 2006, which are incorporated by reference. The fee schedules are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-13.080

RULE TITLE:
Home and Community-Based
Services Waivers

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-13.080, F.A.C., is to incorporate by reference Update September 2006 to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook. The handbook was updated to remove the crisis enrollment policies from Appendix F, Recipient Wait List. The crisis enrollment policies are being promulgated in new rule Chapter 65G, F.A.C., by the Agency for Persons with Disabilities as mandated by Section 393.065, F.S.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Services Waivers.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.908, 409.910, 409.912, 409.913 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW.

DATE AND TIME: Tuesday, October 17, 2006, 10:00 a.m. This workshop will be held in conjunction with the Agency for Persons with Disabilities rule development workshop on proposed rule Chapter 65G, F.A.C., Crisis Enrollment.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308. A second rule development workshop to be held in Orlando, Florida will be noticed in the October 6, 2006 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, kyllonep@ahca.myflorida.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.080 Home and Community-Based Services Waivers.

(1) through (11) No change.

(12) Developmental Disabilities Services Waiver – General. This rule applies to all Developmental Disabilities Services Waiver Service providers enrolled in the Medicaid program. All Developmental Disabilities Services Waiver Service providers enrolled in the Medicaid program must comply with the Developmental Disabilities Services Waiver Services Florida Medicaid Coverage and Limitations Handbook, October 2003, updated September 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated in Rule 59G-13.001, F.A.C. October 2003. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> agent. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at 800-377-8216. The Developmental Disabilities Waiver Services Provider Rate Table, ~~November 2003~~, is incorporated by reference in Rule 59G-13.081, F.A.C. ~~The Developmental Disabilities Waiver Services Provider Rate Table is available from the Medicaid fiscal agent.~~

(13) through (15) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.908, 409.910, 409.912, 409.913 FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, 6-11-03, 11-24-03, 1-16-05, 6-23-05, Formerly 59G-8.200, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:	RULE TITLES:
61B-25.001	Mediation Definitions
61B-25.002	Volunteer and Paid Mediator Lists

61B-25.003	Procedure for Applying; Volunteer Mediators
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61B-25.004	Procedure for Applying; Paid Mediators
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PURPOSE AND EFFECT: To make the certification of mediator provisions established under Chapter 718, Florida Statutes, applicable to cooperatives under paragraph 719.501(1)(n), Florida Statutes, and to correctly refer to the appropriate section of Chapter 718, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Condominium Act (Chapter 718, Florida Statutes) and the Cooperative Act (Chapter 719, Florida Statutes) each contain provisions for mediation of certain disputes. The Legislature gave the Division of Florida Land Sales, Condominiums and Mobile Homes authority to adopt rules specifying additional factors for certification of mediators for condominium disputes under paragraph 718.501(1)(l), Florida Statutes, and for cooperative disputes under paragraph 719.501(1)(n), Florida Statutes. The proposed amendments to these rules would correct the reference to the applicable section of Chapter 718, Florida Statutes, and add the appropriate reference to Chapter 719, Florida Statutes to make the same provisions applicable to mediation of cooperative disputes.

SPECIFIC AUTHORITY: 718.501, 719.501 FS.

LAW IMPLEMENTED: 718.501(1)(l), 719.501(1)(n) FS.

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

DATE AND TIME: October 16, 2006, 9:00 a.m.

PLACE: Conference Room Suite 16, The Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

THE PRELIMINARY DRAFT RULE IS ALSO AVAILABLE ON LINE AT <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH**Division of Medical Quality Assurance**

RULE NO.: 64B-1.003 RULE TITLE: Examination Administration

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Examination Administration.

SPECIFIC AUTHORITY: 456.004(5), 456.017(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) 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: Jennifer Hamilton, Division of MQA/Bureau of Operations/Testing Services, 4052 Bald Cypress Way, Bin #C-90, Tallahassee, Florida 32399-3290

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

DEPARTMENT OF HEALTH**Board of Nursing**

RULE NO.: 64B9-2.002 RULE TITLE: Certification for Approval

PURPOSE AND EFFECT: The purpose of the amendment is to clarify that the Board of Nursing will only review one nursing program per applying provider at one time for provisional approval.

SUBJECT AREA TO BE ADDRESSED: Certification for Approval.

SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.

LAW IMPLEMENTED: 464.019 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 Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH**Board of Nursing**

RULE NO.: 64B9-3.002 RULE TITLE: Qualifications for Examination

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the passing score on the TOFL examination to demonstrate competency in English, and to delete completion of English as a Second Language as a method to demonstrate competency because completion of that course has not been demonstrated to result in sufficient competency for safe nursing practice. In addition, the Board is adding language requiring that courses completed to establish the required education be passed with a score approved as passing at the institution at which each course was taken.

SUBJECT AREA TO BE ADDRESSED: Qualifications for Examination.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 112.011(1)(b), 456.013, 464.008 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 Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH**Board of Nursing**

RULE NO.: 64B9-5.007 RULE TITLE: Continuing Education for Expert Witnesses and Probable Cause Panel Members

PURPOSE AND EFFECT: The purpose of the amendment is to permit former board members who serve the Board and the public by participating on the probable cause panels to receive continuing education credit for that service.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Expert Witnesses in Disciplinary Cases and Probable Cause Panel Members.

SPECIFIC AUTHORITY: 464.006, 464.013(3) FS.

LAW IMPLEMENTED: 464.013(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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-5.007 Continuing Education for Expert Witnesses and Probable Cause Panel Members ~~in Disciplinary Cases.~~

(1) Each licensed nurse who serves as a volunteer expert witness in providing written expert witness opinions citing references of current, prevailing practice and relevant standards of practice for cases being reviewed pursuant to Chapter 464, F.S., shall receive 2.5 hours of continuing education credit per case for performing a literature survey of at least two articles in conjunction with the review of cases for the Agency, probable cause panel, or Board.

(2) Each former board member who serves on a probable cause panel at least twice in a biennium shall receive 8 hours of continuing education credit.

Specific Authority 464.006, 464.013(3) FS. Law Implemented 464.013(3) FS. History--New 9-28-93, Formerly 61F7-5.007, 59S-5.007, Amended.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.: RULE TITLES:

64B9-8.003 Citations

64B9-8.005 Disciplinary Proceedings

PURPOSE AND EFFECT: The purpose of the amendment in 64B9-8.003 is to provide for a citation to be issued for the use of abusive language to or in front of a patient. The Board has seen a growing number of disciplinary complaints on these grounds and finds that clarifying the inappropriateness of the behavior is necessary. The purpose of the amendment in 64B9-8.005 the purpose of the amendment is to clarify that certified nursing assistants must not work without certification if one is necessary, and adding additional actions that constitute unprofessional conduct, reflecting behavior that is resulting in more complaints now that the Board is regulating certified nursing assistants.

SUBJECT AREA TO BE ADDRESSED: Citations; Disciplinary Proceedings.

SPECIFIC AUTHORITY: 456.077, 464.006 FS.

LAW IMPLEMENTED: 456.077, 464.018 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 DEVELOPMENTS AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS:

64B9-8.003 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations, which shall result in a penalty of (\$100.00):

(a) through (g) No change.

(h) Unprofessional conduct as defined in paragraph 64B9-8.005(2)(p), F.S., using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

(4) through (5) No change.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History--New 1-1-92, Amended 7-6-92, Formerly 21O-10.015, Amended 12-5-93, 5-24-94, Formerly 61F7-8.003, 59S-8.003, Amended 2-18-98, 3-23-00, 2-22-04, 7-5-06,_____.

64B9-8.005 Disciplinary Proceedings.

(1) Unprofessional conduct shall include:

(a) through (c) No change.

(d) Practicing as a registered or practical nurse or as a certified nursing assistant registered nursing or practical nursing in the State of Florida with a delinquent license for no more than 90 days; or

(e) through (g) No change.

(h) Stealing from a patient.

(i)(4) Violating the integrity of a medication administration system or an information technology system.

(2) Failing to meet or departing from minimal standards of acceptable and prevailing nursing practice shall include, but not be limited to, the following:

(a) through (m) No change.

(n) Practicing beyond the scope of the licensee's license, educational preparation or nursing experience; or-

(o) Using force against a patient, striking a patient, or throwing objects at a patient; or

(p) Using abusive, threatening or foul language in front of a patient or directing such language toward a patient.

Specific Authority 464.006 FS. Law Implemented 464.018 FS. History—New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 21O-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 21O-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, 2-17-02, 7-5-06, _____.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:
64B18-17.001 Continuing Education Required for
License Renewal

PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Required for License Renewal.

SPECIFIC AUTHORITY: 456.013(6), 456.033, 461.005, 461.007(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 461.007 FS.

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

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

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

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: RULE TITLE:
64B21-500.009 Education Requirements for School
Psychologists

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Education Requirements for School Psychologists.

SPECIFIC AUTHORITY: 490.015 FS.

LAW IMPLEMENTED: 456.013, 456.031, 490.005(2) FS.

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

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

Love, Executive Director, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: RULE TITLE:
64B21-502.001 Continuing Education

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 490.007(2), 490.0085, 490.015 FS. LAW IMPLEMENTED: 456.013, 490.007(2), 490.0085 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: Susan Love, Executive Director, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:
64B24-2.001 Licensure to Practice Midwifery

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Licensure to Practice Midwifery.

SPECIFIC AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 456.013, 456.031, 467.011, 467.0125 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NO.: RULE TITLE:
64B24-6.001 Continuing Education for Biennial
Renewal

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Continuing
Education for Biennial Renewal.

SPECIFIC AUTHORITY: 456.004(1), 456.031, 467.005 FS.

LAW IMPLEMENTED: 381.0034, 456.013, 456.031,
467.012(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE DEVELOPMENT AND A COPY OF
THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela
King, Executive Director, 4052 Bald Cypress Way, Bin #C-06,
Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE CHAPTER NO.: RULE CHAPTER TITLE:
64B33-2 Requirements For Licensure;
Continuing Education

PURPOSE AND EFFECT: The Board proposes the
development of rule amendments to address recent legislative
changes with regard to licensure and continuing education
requirements.

SUBJECT AREA TO BE ADDRESSED: Requirements for
licensure and continuing education requirements.

SPECIFIC AUTHORITY: 456.013, 456.034, 468.705, 468.707
FS.

LAW IMPLEMENTED: 456.013(7), 456.035, 468.034,
468.707, 468.711 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: Susan
Foster, Executive Director, Board of Athletic Training/MQA,
4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida
32399-3258

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

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE CHAPTER NO.: RULE CHAPTER TITLE:
64B33-5 Discipline

PURPOSE AND EFFECT: The Board proposes the
development of rule amendments to address legislative
changes with regard to discipline of licensees.

SUBJECT AREA TO BE ADDRESSED: Discipline of athletic
trainers.

SPECIFIC AUTHORITY: 456.072, 456.077, 456.078,
456.079, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 456.077, 456.078, 456.079,
468.719 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: Susan
Foster, Executive Director, Board of Athletic Training/MQA,
4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida
32399-3258

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER NO.: RULE CHAPTER TITLE:
64E-9 Public Swimming Pools and Bathing
Places

RULE NOS.:	RULE TITLES:
64E-9.001	General
64E-9.002	Definitions
64E-9.003	Forms
64E-9.004	Operational Requirements
64E-9.005	Construction Plan or Modification Plan Approval
64E-9.006	Construction Plan Approval Standards
64E-9.007	Recirculation and Treatment System Requirements
64E-9.008	Supervision and Safety
64E-9.009	Wading Pools
64E-9.010	Spa Pools
64E-9.011	Water Recreation Attractions and Specialized Pools
64E-9.013	Bathing Places
64E-9.015	Fee Schedule

64E-9.016 Exemptions and Variances
 64E-9.017 Enforcement
 64E-9.018 Public Pool Service Technician
 Certification

PURPOSE AND EFFECT: Develop rules to address necessary definition changes, technical changes and reference changes resulting from 2005 statute change, 2004 rulemaking, and recent developments in this field.

SUBJECT AREA TO BE ADDRESSED: Definitions, engineering design, operation, disinfection, sanitary facilities, safety, approved course criteria, fees, bathing places, variances, and updating technical references.

SPECIFIC AUTHORITY: 381.0011, 381.006, 386.02, 514.021 FS.

LAW IMPLEMENTED: 381.0011, 381.006, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.0115, 514.021, 514.03, 514.031, 514.033, 514.05, 514.071, 514.075 FS.

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

DATE AND TIME: November 2, 2006, 9:30 a.m. until finished, or until 4:00 p.m., whichever is first

PLACE: South Hurston Bldg, Lobby Conference Room, 400 W. Robinson St., Orlando, Florida

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 7 days before the workshop/meeting by contacting Deborah Jackson, DOH-Tallahassee, (850)245-4240. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bob Vincent, Environmental Administrator, DOH, Bureau of Water Programs, 4052 Bald Cypress Way, Mail Bin C-22, Tallahassee, FL 32399-0700

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons With Disabilities

RULE CHAPTER NO.: **RULE CHAPTER TITLE:**

65G-6 Crisis Enrollment

PURPOSE AND EFFECT: Currently procedures relating to the crisis enrollment of eligible person with developmental disabilities in the Medicaid Home and Community-Based Services waiver in are included in the *Florida Medicaid Developmental Disabilities Waiver Services Coverage & Limitations Handbook*, incorporated by reference in Rule 59G-13-080, F.A.C. During the 2006 legislative session (ch.

2006-227, Laws of Florida), Section 393.065, Florida Statutes, was amended to authorize the Agency for Persons with Disabilities to promulgate rules relating to crisis enrollment for waiver services. The purpose of the proposed rule development is to adopt rule providing a procedure for persons with developmental disabilities to be considered for enrollment on a Medicaid Home and Community-Based Services waiver if the applicant demonstrates an immediate need for services. The proposed rule development will address procedures for requesting crisis enrollment, the criteria for assessment, and for approving or denying waiver enrollment.

SUBJECT AREA TO BE ADDRESSED: Crisis enrollment on the Florida Supported Living or Developmental Disabilities Home and Community-Based Medicaid Waivers.

SPECIFIC AUTHORITY: 393.501(1), 393.065 FS.

LAW IMPLEMENTED: 20.197(3), 393.065 FS.

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

DATE AND TIME: Tuesday, October 17, 2007, 10:00 a.m. The workshop will be held in conjunction with the Agency for Health Care Administration's proposed rule development workshop on Rule 59G-13-080, F.A.C., Home and Community-Based Services, to amend Appendix F of the *Florida Medicaid Developmental Disabilities Waiver Services Coverage & Limitations Handbook*, to remove the provisions relating to crisis enrollment and provide edits updating the remaining Appendix F provisions.

PLACE: Agency for Health Care Administration, Conference Room A, Building 3, 2727 Mahan Drive, Tallahassee, FL. A second rule development workshop to be held in Orlando, Florida, 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: Terri McGarrity, Senior Management Analyst Supervisor, Division of Operations, Suite 360, 4030 Esplanade Way, Tallahassee, Florida, 32399-0950; e-mail: terri_mcgarrity@apd.state.fl.us

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

FLORIDA HOUSING FINANCE CORPORATION

RULE CHAPTER NO.: **RULE CHAPTER TITLE:**

67-32 Elderly Housing Community Loan
 Program

RULE NOS.: **RULE TITLES:**

67-32.002 Definitions
 67-32.004 General Program Restrictions
 67-32.005 Application Procedures
 67-32.006 Terms and Conditions of Loan
 67-32.007 Scoring, Ranking, and Funding
 Guidelines

67-32.009 EHCL Credit Underwriting
Procedures

67-32.011 Fees

PURPOSE AND EFFECT: Pursuant to Florida Statutes Section 420.5087(3)(d), the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

SUBJECT AREA TO BE ADDRESSED: : The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-32, Florida Administrative Code.

SPECIFIC AUTHORITY: 420.5087 FS.

LAW IMPLEMENTED: 420.5087 FS.

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

DATE AND TIME: October 13, 2006, 10:30 a.m.

PLACE: Florida Housing Finance Corporation, Seltzer Room, 6th Floor, 227 North Bronough Street, Tallahassee, Florida 32301

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 days before the workshop/meeting by contacting: Jody Bedgood at (850)488-4197 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Derek Helms, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

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 State Fire Marshal

RULE NO.:

69A-3.012

RULE TITLE:

Standards of the National Fire Protection Association and Other Standards Adopted

PURPOSE AND EFFECT: To adopt firesafety standards for tunnels to accommodate the state-owned tunnel to be built in Miami-Dade County.

SUBJECT AREA TO BE ADDRESSED: Firesafety standards for tunnels.

SPECIFIC AUTHORITY: 633.01(1), 633.022 FS.

LAW IMPLEMENTED: 633.01(1), 633.022 FS.

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

TIME AND DATE: Wednesday, October 18, 2006, 9:00 a.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Kimberly Riordan, (850)413-3170.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)922-2553

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69A-3.012 Standards of the National Fire Protection Association and Other Standards Adopted.

(1) Except as specifically modified by statute or by the State Fire Marshal's rules, the Florida specific edition of NFPA 101, the Life Safety Code®, 2003 edition and the Florida specific edition of NFPA 1, the Uniform Fire Code., 2003 edition, as adopted within Rule Chapter 69A-60, F.A.C., the 2004 edition of the Florida Fire Prevention Code are hereby adopted and incorporated by reference as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S. In addition, the following standards, except as specifically modified in the rule chapters in Rule Title 69A, are hereby adopted and incorporated by reference and shall take effect on the effective date of this rule, as a part of the uniform fire safety standards adopted by rule by the State Fire Marshal and

are applicable to those buildings and structures specified in paragraphs (a) and (b) of subsection (1) of Section 633.022, F.S.:

NFPA 10-2002, Standard for Portable Fire Extinguishers
NFPA 11-2002, Standard for Low-, Medium, and High-Expansion Foam
NFPA 11A-1999, Standard for Medium and High Expansion Foam Systems
NFPA 12-2000, Standard on Carbon Dioxide Extinguishing Systems
NFPA 12A-1997, Standard on Halon 1301 Fire Extinguishing Systems
NFPA 13-2002, Standard for the Installation of Sprinkler Systems
NFPA 13D-2002, Standard for the Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes
NFPA 13R-2002, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height
NFPA 14-2003, Standard for the Installation of Standpipe and Hose Systems, except 2-7 shall be omitted
NFPA 15-2001, Standard for Water Spray Fixed Systems for Fire Protection
NFPA 16-2003, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems
NFPA 17-2002, Standard for Dry Chemical Extinguishing Systems
NFPA 17A-2002, Standard on Wet Chemical Extinguishing Systems
NFPA 20-1999, Standard for the Installation of Stationary Pumps for Fire Protection
NFPA 22-2003, Standard for Water Tanks for Private Fire Protection
NFPA 24-2002, Standards for the Installation of Private Fire Service Mains and Their Appurtenances
NFPA 25-2002, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, except that quarterly flow tests shall be required for those systems supplied by a municipal water supply.
NFPA 30-2000, Flammable and Combustible Liquids Code
NFPA 30A-2000, Code for Motor fuel Dispensing Facilities and Repair Garages
NFPA 30B-2002, Code for the Manufacture and Storage of Aerosol Products
NFPA 31-2001, Standard for the Installation of Oil Burning Equipment
NFPA 32-2000, Standards for Drycleaning Plants
NFPA 33-2000, Standard for Spray Application Using Flammable and Combustible Materials
NFPA 34-2000, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids

NFPA 35-1999, Standard for the Manufacture of Organic Coatings
NFPA 36-2001, Standard for Solvent Extraction Plants
NFPA 37-2002, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
NFPA 40-201, Standard for the Storage and Handling of Cellulose Nitrate Film
NFPA 45-2000, Standard on Fire Protection for Laboratories Using Chemicals
NFPA 50-2001, Standard for Bulk Oxygen Systems at Consumer Sites
NFPA 50B-1999, Standard for Liquid Hydrogen Systems at Consumer Sites
NFPA 51-2002, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes
NFPA 51A-2001, Standard for Acetylene Cylinder Charging Plants
NFPA 51B-1999, Standard for Fire Prevention During Welding, Cutting and Other Hot Work
NFPA 52-2002, Compressed Natural Gas Vehicular Fuel Systems Code
NFPA 54-2002, National Fuel Gas Code
NFPA 57-2002, Liquefied Natural Gas Vehicular Fuel Systems Code
NFPA 58-2002, Liquefied Petroleum Gas Code
NFPA 59-2001, Utility LP-Gas Plant Code
NFPA 59A-2001, Standard for the Production, Storage and Handling of Liquefied Natural Gas
NFPA 61-2002, Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Products Facilities
NFPA 69-2002, Standard on Explosion Prevention Systems
NFPA 70-2002, National Electrical Code
NFPA 72-2002, National Fire Alarm Code
NFPA 75-2003, Standard for the Protection of Information Technology Equipment
NFPA 80-1999, Standard for Fire Doors and Fire Windows
NFPA 82-1999, Standard on Incinerators and Waste and Linen Handling Systems and Equipment
NFPA 86-1999, Standard for Ovens and Furnaces
NFPA 86C-1999, Standard for Industrial Furnaces Using a Special Processing Atmosphere
NFPA 86D-1999, Standard for Industrial Furnaces Using Vacuum as an Atmosphere
NFPA 88A-2002, Standard for Parking Structures
NFPA 90A-2002, Standard for the Installation of Air Conditioning and Ventilating Systems
NFPA 90B-2002, Standard for the Installation of Warm Air Heating and Air Conditioning Systems

NFPA 91-1999, Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids

NFPA 92A-2000, Recommended Practice for Smoke-Control Systems

NFPA 92B-2000, Guide for Smoke Management Systems in Malls, Atria, and Large Areas

NFPA 96-2001, Standard for Ventilation Control and Fire Prevention of Commercial Cooking Operations. Subdivision 7-2.2 of NFPA 96 applies prospectively only. Existing installations are permitted to remain in place subject to the approval of the authority having jurisdiction.

NFPA 99-2002, Standard for Health Care Facilities

NFPA 101A-2001, Guide on Alternative Approaches to Life Safety

NFPA 101B-2002, Standard on Means of Egress for Buildings and Structures

NFPA 102-1995, Standard for Grandstands, Folding and Telescoping Seating, Tents and Membrane Structures

NFPA 105-2003, Recommended Practice for the Installation of Smoke-Control Door Assemblies

NFPA 110-2002, Standard for Emergency and Standby Power Systems

NFPA 111-2001, Standard on Stored Electrical Energy Emergency and Standby Power Systems

NFPA 120-1999, Standard for Coal Preparation Plants

NFPA 140-1999, Standard on Motion Picture and Television Production Studio Soundstages and Approved Production Facilities

NFPA 150-2000, Standard on Firesafety in Racetrack Stables

NFPA 160-2001, Standard for Flame Effects Before an Audience

NFPA 211-2003, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances

NFPA 214-2000, Standard on Water-Cooling Towers

NFPA 221-2000, Standard on Fire Walls and Fire Barrier Walls

NFPA 230-2003, Standard for the Fire Protection of Storage

NFPA 232-2000, Standard for the Protection of Records

NFPA 232A-1995, Guide for Fire Protection for Archives and Record Centers

NFPA 241-2000, Standard for Safeguarding Construction, Alteration and Demolition Operations

NFPA 251-1999, Standard Methods of Tests of Fire Endurance of Building Construction and Materials

NFPA 252-1999, Standard Methods of Fire Tests of Door Assemblies

NFPA 253-2000, Standard Method of Test for Critical Flux of Floor Covering Systems Using a Radiant Heat Energy Source

NFPA 255-2000, Standard Method of Test of Surface Burning Characteristics of Building Materials

NFPA 256-1998, Standard Methods of Fire Tests of Roof Coverings

NFPA 257-2000, Standard on Fire Tests for Window and Glass Block Assemblies

NFPA 259-2003, Standard Test Method for Potential Heat of Building Materials

NFPA 260-1998, Standard Method of Test and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture

NFPA 261-1998, Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes

NFPA 265-2002, Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on full Height Panels and Walls

NFPA 267-1998, Standard Method of Test for Fire Characteristics of Mattresses and Bedding Assemblies Exposed to Flaming Ignition Sources

NFPA 286-2000, Standard Method of Fire Test for Evaluating Contribution of Wall and Ceiling Interior Finish to Room Fire Growth

NFPA 303-2000, Fire Protection Standards for Marinas and Boatyards

NFPA 307-2000, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves

NFPA 312-2000, Standard for Fire Protection of Vessels During Construction, Repair and Lay-Up

NFPA 318-2002, Standard for the Protection of Semiconductor Fabrication Facilities

NFPA 385-2000, Standard for Tank Vehicles for Flammable and Combustible Liquids

NFPA 407-2000, Standard for Aircraft Fuel Servicing

NFPA 409-2001, Standard on Aircraft Hangars

NFPA 410-1999, Standard on Aircraft Maintenance

NFPA 415-2002, Standard on Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways

NFPA 418-2001, Standard for Heliports

NFPA 430-2000, Code for Storage of Liquid and Solid Oxidizers

NFPA 432-2002, Code for Storage of Organic Peroxide Formulations

NFPA 434-2002, Code for the Storage of Pesticides

NFPA 484-2002, Standard for Combustible Metals, Metal Powders, and Metal Dusts

NFPA 490-1998, Code for the Storage of Ammonium Nitrate

NFPA 495-2001, Explosive Materials Code

NFPA 498-2001, Standard for Safe Havens and Interchange Lots for Vehicles Transporting Explosives

NFPA 501-2003, Standard on Manufactured Housing

NFPA 501A-2003, Standard for Firesafety Criteria for Manufactured Home Installations, Sites, and Communities

NFPA 502-2001, Road Tunnels, Bridges, and Other Limited Access Highways

NFPA 505-2002, Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operation

NFPA 654-2000, Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids

NFPA 655-2001, Standard for Prevention of Sulfur Fires and Explosions

NFPA 664-2002, Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities

NFPA 701-1999, Standard Methods of Fire Tests for Flame Propagation of Textiles and Films

NFPA 703-2000, Standard for Fire Retardant Impregnated Wood and Fire Retardant Coatings for Building Materials

NFPA 704-2001, Standard System for the Identification of the Fire Hazards of Materials for Emergency Response

NFPA 780-2000, Installation of Lightning Protection Systems

NFPA 909-2001, Standard for the Protection of Cultural Resources

NFPA 1122-2002, Code for Model Rocketry

NFPA 1123-2000, Code for Fireworks Display

NFPA 1124-2003, Code for the Manufacture, Transportation, Storage, and Retail Sale of Fireworks and Pyrotechnic Articles

NFPA 1125-2001, Code for the Manufacture of Model Rocket and High Power Rocket Motors

NFPA 1126-2001, Standard for the Use of Pyrotechnics Before a Proximate Audience

NFPA 1127-2002, Code for High Power Rocketry

NFPA 1142-2001, Standard for Water Supplies for Suburban and Rural Fire Fighting

NFPA 1194-2002, Standard for Recreation Vehicle Parks and Campgrounds

NFPA 1221-2002, Standard for the Installation, Maintenance, and Use of Emergency Communications Systems

NFPA 1561-2002, Standard on Emergency Services Incident Management System

NFPA 1962-2003, Standard for the Inspection, Care, and Use of Fire Hose Including Couplings and Nozzles; and the Service Testing of Fire Hose

NFPA 1963-1998, Standards for Fire Hose Connections

NFPA 2001-2000, Standard on Clean Agent Fire Extinguishing Systems

NFPA 8501-1997, Standard for Single Burner Operation

NFPA 8502-1999, Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers

The portions of 49 Code of Federal Regulations, Parts 100-177 which are referenced in Compressed Gas Association CGA

C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection

of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum

Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders.

The portions of 29 Code of Federal Regulations, Parts 1900-1910 which are referenced in Compressed Gas Association CGA

C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders, Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995, Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders, and Compressed Gas Association CGA C-6.3-1999 Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum

Compressed Gas Cylinders, Second Edition, and which pertain to low pressure and high pressure cylinders.

Compressed Gas Association CGA C-1-1996, Methods for Hydrostatic Testing of Compressed Gas Cylinders.

Compressed Gas Association CGA C-6-1993, Standards for Visual Inspection of Steel Compressed Gas Cylinders, Seventh Edition, Reaffirmed 1995.

Compressed Gas Association CGA C-6.1-1995, Standards for Visual Inspection of High Pressure Aluminum Compressed Gas Cylinders.

Compressed Gas Association CGA C-6.3-1999, Guidelines for Visual Inspection and Requalification of Low Pressure Aluminum Compressed Gas Cylinders, Second Edition.

(2) through (5) No change.

Specific Authority 633.01(1), 633.022 FS. Law Implemented 633.01, 633.022 FS. History—New 5-14-86, Amended 2-12-87, 4-8-90, 10-30-91, 4-3-95, 11-27-01, Formerly 4A-3.012, Amended 8-7-05.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NOS.:

RULE TITLES:

69K-22.004

Operating Procedures

69K-22.007

Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures

PURPOSE AND EFFECT: The proposed amendments update Rule 69K-22.004. Rule 69K-22.007 implements Section 497.607(2), F.S., by adopting a standard procedure for the removal of cremated remains that can be used by cinerator facilities in lieu of establishing their own procedures.

SUBJECT AREA TO BE ADDRESSED: Cinerator facility operations and standard procedures for the removal of cremated remains.

SPECIFIC AUTHORITY: 497.103(1)(n), (5)(a), 497.606, 497.608 FS.

LAW IMPLEMENTED: 497.103(1)(n), 497.606, 497.607, 497.608 FS.

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

DATE AND TIME: October 17, 2006, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida

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 days before the workshop/meeting by contacting: Diana Evans, (850)413-3039 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENTS AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Evans, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69K-22.004 Operating Procedures.

(1) Cinerator facility operators shall establish a system of identification of human remains received for cremation. This system shall be designed to track the identity of the remains from time of receipt until completion of the cremation and delivery of the cremated remains to the legally authorized persons, or until otherwise disposed of in accordance with instructions from the legally authorized person.

(2) No more than one dead human body shall be placed in a retort at one time unless written permission has been received from the legally ~~personal representative~~ (authorized person) responsible for each body.

(3) Upon completion of each cremation cycle, the cremated remains ~~residual of the cremation~~ shall be removed from the retort, pulverized and placed in a separate container.

(4) Human remains shall be cremated in the container or casket in which received unless written instructions to the contrary are received from the legally authorized person. Personal effects shall not be removed from the deceased without express written consent from the legally authorized person.

(5) All alternative containers used for cremation must meet the criteria set forth in Section 497.606(9)(h)(14), F.S. The receptacle or container may be an unfinished wooden box

or other non-metal alternative container, which is designed for the encasement of human remains and which is made of cardboard, fiberboard, pressed wood, composition materials, or other enclosures which are all rigid enough for handling with ease and which completely enclose the human remains during the entire cremation process. ~~All facilities must maintain a complete list of all alternative containers used for cremation which must be available for inspection.~~

(6) Any part of the container chosen for cremation which has not been completely consumed in the cremation process shall be disposed of by completely burning, crushing, or otherwise lawfully disposing of ~~burying~~ the container.

(7) The ~~residual or~~ cremated remains and the separate container shall be disposed of according to the express written instruction of the legally authorized person. If no instructions are given, the ~~residual or~~ cremated remains shall be disposed of in a dignified and humane manner as authorized by law.

Specific Authority 497.103(1)(n), (5)(a), 497.606, 497.607 FS. Law Implemented ~~497.103(1)(n)~~, 497.606, 497.607 FS. History—New 6-26-85, Amended 10-16-85, Formerly 21J-22.04, 21J-22.004, Amended 11-20-96, Formerly 61G8-22.004, Amended.

69K-22.007 Standard Uniform Procedures for Removal of Cremated Remains and Postcremation Procedures.

(1) A cinerator facility operator shall follow its written procedures for the removal of cremated remains and the postcremation processing, shipping, packing, or identification of those remains filed with and approved by the Board, or it may adopt the following standard uniform procedures. In either case, the cinerator facility operator shall notify the Board of its choice on Form DFS-CF-EP, Election of Procedures for Removal of Cremated Remains and Postcremation Processing, which form is hereby incorporated and adopted by reference, effective 06. Said form shall be mailed to, and can be obtained from, the Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361. A cinerator facility shall not be operated unless it has established and follows its specified written procedures approved by the Board.

(2) Removal of Cremated Remains Resulting from the Cremation of a Human Body.

(a) Allow the crematory to cool to a suitable temperature for recovery of the remains after the burners have been shut off (either manually or automatically).

(b) Place a clean metal tray, pan or container in position to receive the cremated remains.

(c) Move the cremation documents from their position near the door or control panel of the crematory to a position in close proximity to or attached to the recovery pan, where it shall remain in place until the cremation process is complete.

(d) Upon completion of the cremation, all cremated remains shall be removed from the cremation chamber and the chamber swept clean.

(e) Remove the metal identification tag from the chamber and place it on or in the recovery tray, pan or container.

(f) Check the removal brushes and tools for bone fragments. If any fragments have adhered to the tools, place them in the recovery pan with the rest of the cremated remains.

(g) Take the recovery pan, its contents and the cremation documents to an appropriate cool down area.

(3) Postcremation Processing.

(a) Remove the metal identification tag from the recovery tray and place it next to the processor along with any cremation documents.

(b) Remove all other metal from the cremated remains, using a magnet and/or forceps (for nonmagnetic metal). Separate all bone fragments and cremated remains from the nonhuman materials. Do not discard the metal until it is completely free of cremated remains. Refer to the cremation documents for the appropriate disposition of dental materials, mementos and jewelry, to the extent they can be recognized in the cremated remains.

(c) Place any other nonhuman materials, such as metal, prosthetics and any other materials retrieved from the crematory, in a specified container until they are packaged for nonrecoverable disposal.

(d) The cremated remains must be processed or pulverized until they are granulated particles.

(4) Packaging of Cremated Remains.

(a) Pour the cremated remains into a heavy plastic bag and place in a temporary container or urn.

(b) If the urn or container is too small to accept all the cremated remains, use a larger container or provide a second container. When there is more than one container, the additional container(s) must be securely fastened to the original container, must have identification labels placed on each urn or container, and must be marked as 1 of 2, 2 of 2, and so on.

(c) Secure or affix the metal identification tag to the bag. Verify the identification of the cremated remains one final time, by comparing the metal identification tag number and the name of the decedent to the information on any cremation documents. Close the urn or cremated remains container.

(d) Store the cremated remains in a secure area until such time as they are released. Document in a log at least the name of the deceased, the date the cremated remains were placed into storage, the date they were removed, and by whom.

(e) If the cremated remains are to be shipped, place the urn or container in a shipping box and securely tape all box seams to increase the security and integrity of the container. The outside of the shipping box shall be clearly identified with the name of the deceased person whose processed remains are contained therein. Ship the box via registered mail, return receipt requested, or by any other lawful and traceable shipment method.

(5) Releasing Cremated Remains.

(a) Verify the identity of the cremated remains by comparing the identification label to the cremation documents and the crematory log.

(b) Release the cremated remains to a representative of the funeral or direct disposal establishment. Obtain a signed receipt for the cremated remains and file the receipt with the cremation documents.

(c) If the cremated remains have not been claimed after 120 days, the funeral or direct disposal establishment may dispose of the remains in any manner specified in Section 497.607, Florida Statutes.

Specific Authority 497.103(1)(n), (5)(a), 497.608 FS. Law Implemented 497.103(1)(n), 497.607, 497.608 FS. History—New

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

ADMINISTRATION COMMISSION

RULE CHAPTER NO.: RULE TITLE:

28-22 Land Planning Regulations for The
Apalachicola Bay Area of Critical
State Concern – Franklin County

RULE NOS.: RULE TITLES:
28-22.210 Amendment to Revised Zoning Code
28-22.211 Amendment to the City of
Apalachicola Land Development
Regulations

28-22.212 City of Apalachicola Planning Pause
Ordinance

PURPOSE AND EFFECT: The purpose of the rules is to amend the City of Apalachicola's land use regulations and zoning code; and establish a planning pause for preparation of amendments to comprehensive plan and land development regulations. The City of Apalachicola adopted Ordinances for this purpose to include:

Ordinance 2005-05 amends Section J of the City of Apalachicola land development code relating to the land use category description for C-1 Commercial Zone District. Ordinance 2006-01 amends the City of Apalachicola land use category description for the C-4 Commercial Zoning District to reflect what is allowed under the provisions of the comprehensive plan.

Ordinance 2005-08 provides additional clarity regarding the permitting of transient lodging facilities and establishes minimum criteria to ensure that transient lodging facilities do not become permanent living accommodations.

Ordinance 2005-09 provides a pause in permitting while staff prepares amendments to the comprehensive plan and land development regulations in order to bring consistency between the two documents and to further address impacts to the environment and community character. Ordinance 2006-02 amends 2005-09 concerning a temporary moratoria on the issuance of multi-family and hotel/motel units building permits. The moratoria was intended to last six months, but can be extended for finding of "good cause." The modification involves clarification of Section 4 to identify that development within the C-1 General Commercial District and C-4 the Commercial District is exempt from the conditions of the moratoria.

SUMMARY: The City of Apalachicola adopted Ordinances to amend its land use regulations and zoning code; and establish a planning pause for preparation of amendments to comprehensive plan and land development regulations.

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

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

SPECIFIC AUTHORITY: 380.0555(9) FS.

LAW IMPLEMENTED: 380.0555(7), (9) 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: October 26, 2006, 10:00 a.m.

PLACE: Room 2103, 21st Floor, The Capitol, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: Barbara Leighty, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850) 487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

28-22.210 Amendment to Revised Zoning Code.

As adopted by the Apalachicola City Commission on August 2, 2005, and approved by the Administration Commission, Ordinance 2005-05, amending "Section J-Schedule of District Regulations, C-1 General Commercial District," is hereby incorporated by reference. As adopted by the Apalachicola City Commission on February 7, 2006, and approved by the Administration Commission, Ordinance 2006-01, amending "Section J – Schedule of District Regulations, C-4 Commercial District," is hereby incorporated by reference.

Specific Authority 380.0555(9) FS. Law Implemented 380.0555(7), (9) FS. History–New _____.

28-22.211 Amendment to the City of Apalachicola Land Development Regulations.

As adopted by the Apalachicola City Commission on September 27, 2005, and approved by the Administration Commission, Ordinance 2005-08, known as the Transient Lodging Ordinance of the City of Apalachicola, is hereby incorporated by reference.

Specific Authority 380.0555(9) FS. Law Implemented 380.0555(7), (9) FS. History–New _____.

28-22.212 City of Apalachicola Planning Pause Ordinance.

Adoption of the City of Apalachicola's Ordinance 2005-09, as adopted by the City of Apalachicola on September 27, 2005, and amended by the City of Apalachicola's Ordinance 2006-02, as adopted by the City of Apalachicola on February 7, 2006, and approved by the Administration Commission, is hereby incorporated by reference, as an ordinance establishing a planning pause in the City of Apalachicola, Florida. Ordinances 2005-09 and 2006-02 relate to the establishment of a prohibition on the acceptance of development permit applications for new hotels/motels, townhouses, multifamily residential and/or condominiums; establishing duration and requirements for termination and extension; establishing exemptions; providing for severability; and providing an effective date.

Specific Authority 380.0555(9) FS. Law Implemented 380.0555(7), (9) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 19, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.210
 RULE TITLE: Custody Classification

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that, unless precluded for security or other substantial reasons, all inmates are scheduled to appear for assessments and reviews and inmates shall be notified a minimum of forty-eight hours in advance of an assessment and review unless an inmate waives the notice in writing.

SUMMARY: Amends the rule to provide that, unless precluded for security or other substantial reasons, all inmates are scheduled to appear for assessments and reviews and inmates shall be notified a minimum of forty-eight hours in advance of an assessment and review unless an inmate waives the notice in writing.

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

Any person who wishes to provide information regarding the statement of estimated 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: 944.09, 958.11 FS.

LAW IMPLEMENTED: 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.210 Custody Classification.

(1) through (3) No change.

(4) Progress Assessments.

(a) through (b) No change.

(c) Unless precluded for security or other substantial reasons, all inmates shall be scheduled to appear for assessments and reviews. An inmate shall be notified a minimum of forty-eight hours in advance of an assessment and review unless the inmate waives such notice in writing. Assessments and reviews that shall be completed as follows:

1. through 4. No change.

(d) through (m) No change.

(5) No change.

Specific Authority ~~20.315~~, 944.09, 958.11 FS. Law Implemented 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 FS. History—New 12-7-81, Formerly 33-6.09, Transferred from 33-6.009, Amended 6-8-82, 10-26-83, 6-8-86, 7-8-86, 10-27-88, 1-1-89, 7-4-89, 10-12-89, 1-2-91, 7-21-91, 8-30-92, 5-13-96, 6-12-96, 11-19-96, 10-15-97, Formerly 33-6.0045, Amended 9-19-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenethia “Tina” Hayes, Acting Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.602
 RULE TITLE: Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth requirements regarding: contract work release centers; use of electronic data systems; provision of orientation; work hours and travel time; transportation and transportation costs; subsistence payments; advance of funds; and collection of unpaid advancements. In addition, the proposed rule and Form DC6-127, Checklist for Transfers to Work Release Centers, are amended to correct program names, delete obsolete information and amend criteria for eligibility.

SUMMARY: Amends the rule to provide for the use of contract community work release centers; require the use of electronic data system to record inmates’ community work release information at those facilities where system is operable; require that orientation occur within 3 days of arrival at a community work release center; require that inmate work release employment be full time for at least 40 hours per week; expand allowable travel time from one to two hours and expand allowable center departure time from 6 a.m. to 5 a.m.; allow for the use of center transportation to an employment site by inmates at contract work release facilities; specify transportation costs (no more than \$3.00 each way) and obligations for contract work release facilities; provide that inmates at contract work release centers are responsible for transportation costs as described in the contract with the vendor; increase the amount of subsistence to be paid from 45% to 65% of the inmate’s net earnings; allow for the advancement of funds by the facility to inmates at contract facilities for work needs and delete provisions allowing similar advancement of funds by the department from the general revenue fund; require that disciplinary action be taken to initiate collection of unpaid portion of advancements; and amend DC6-127, Checklist for Transfers to Work Release Centers, to correct program names, delete obsolete information and amend some criteria for eligibility.

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

Any person who wishes to provide information regarding the statement of estimated 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: 945.091 FS.

LAW IMPLEMENTED: 945.091 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.602 Community Release Programs.

(1) Definitions.

(a) through (h) No change.

(i) Work Release Inmate Monitoring System (WRIMS) – A web site application used by work release facility staff to record information related to an inmate's participation in community work release.

(2) Inmate Conduct While on Community Release.

(a) During the inmate orientation process, which shall occur within three days of arrival at a community work release center, inmates will be instructed of the following conduct requirements. Upon completion of the orientation program, the inmate shall be given a Certificate of Orientation, Form DC6-126. Form DC6-126 is incorporated in subsection (16) of this rule.

1. Directly and promptly proceed to and return from their destination using the approved method of transportation and route designated by the correctional officer major or facility program director of a contract facility.

2. through 9. No change.

10. Do not enter into any contract without advance written approval of the correctional officer major or facility program director of a contract facility.

(b) An inmate with community release privileges shall not operate any motor vehicle of any kind unless previously authorized to do so by the correctional officer major or facility program director of a contract facility, and in the event of such authorization, shall operate the specified motor vehicle only for the limited purpose for which authorization was given.

(c) No change.

(d) The work release center classification officer or contract facility counselor shall complete a Personalized Program Plan for Work Release Centers, Form DC6-118A, on all inmates assigned to the work release center within 14 days

of receipt of the inmate at the center. Form DC6-118A is incorporated by reference in subsection (16) of this rule. The completed personalized program plan shall be signed by the inmate, the classification officer and the correctional officer major or the facility counselor and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is incorporated by reference in subsection (16) of this rule. The inmate's progress towards achieving the goals of the personalized program plan shall be reviewed bi-weekly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan – Biweekly Progress Review or shall be entered into WRIMS at those facilities at which the system is operational. A copy of the Personalized Program Plan shall be printed form WRIMS and given to the inmate. Form DC6-118C is incorporated by reference in subsection (16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(e) When the inmate is ready for release a Transition Release Plan, Form DC6-118D, shall be completed in order to assist the inmate in his or her release plans or the plan information shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-118D is incorporated by reference in subsection (16) of this rule.

(3) through (6) No change.

(7) Employment.

(a) Employment sought must be full time employment for at least 40 ~~35~~ hours per week.

(b) through (e) No change.

(f) If the department authorizes paid employment for an inmate with a given employer and subsequently receives and verifies information that the inmate is not being treated by the employer in a manner comparable to other employees, the correctional officer major or facility director will remove the inmate from such employment with that employer.

(g) The prospective employer shall sign an Employer's Community Work Agreement, Form DC6-124. Form DC6-124 is incorporated by reference in subsection (16) of this rule. Inmates engaged in paid employment are not considered ~~an~~ employees of the state or the department while engaging in or traveling to and from such employment.

(h) through (i) No change.

(j) Facility personnel shall visit the inmate's place of employment for new employers within the first five ~~working~~ days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC6-125, Employment Contacts, or shall be

entered into WRIMS at those facilities at which the system is operational. Form DC6-125 is incorporated by reference in subsection (16) of this rule.

(k) There shall be a minimum of three employment contacts per inmate per month by facility personnel to substantiate attendance and discuss any problems that may have arisen. Two of the contacts shall be accomplished either through telephone calls or site visits to the inmate's place of employment, and documentation of the contacts shall be made on Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational. One of the three monthly contacts shall be a personal on-site job check. The documentation of the contacts shall be made on Form DC6-125 and placed in the inmate's file or shall be entered into WRIMS at those facilities at which the system is operational for future reference.

(l) Facility personnel shall establish a primary and secondary job contact person at all employment sites. The primary and secondary contact person shall be named on Form DC6-125, Employment Contacts or shall be entered into WRIMS at those facilities at which the system is operational.

(m) The employer shall provide a current work schedule for the inmate to the work release center each week prior to the inmate being allowed to depart for work. The inmate's work schedule shall be entered into WRIMS at those facilities at which the system is operational.

(n) All inmates employed in the community shall return to the facility no later than 12 midnight. Inmates will not be authorized to leave the facility to work in the community between 12 midnight and 5 6 a.m. unless an exception is made. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release center. No exceptions will be approved unless it is determined that the risk to the community is minimal, and the earning potential and rehabilitative benefits which the job offers the inmate are substantial.

(8) No change.

(9) Transportation.

(a) Transportation for inmates engaged in community release programs shall be secured by the following means:

1. Employer furnished transportation;
2. Public transportation;
3. Transportation provided by a family member;
4. Bicycling; ~~or~~
5. Walking; or

6. Center provided transportation at contract work release facilities only.

(b) Contract Work Release Facilities:

1. Are authorized to assess a transportation fee from community release inmates not to exceed \$3.00 each way for transportation provided by the contract work release center except as provided in subparagraph (b)3. below.

2. Inmates will utilize transportation authorized in paragraph 33-601.602(9)(a), F.A.C., unless the warden over the work release center determines for public safety reasons another means of transportation is necessary.

3. Will provide at not cost to the department or the inmate, transporation within the community for medical or mental health services, religious services (if not provided at the work release center), attendance at substance abuse group meetings or for shopping.

~~(c)(b)~~ In order to ensure that inmates are not working long distances from the center, the warden over the work release center shall establish maximum boundaries for employment sites by center geographic location. The maximum boundaries shall not exceed two one hours travel time to the employment site from the facility unless an exception has been granted. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release center, who shall assess whether the rehabilitative benefit to the inmate outweighs risks to public safety.

(10) Disbursement of Earnings.

(a) No change.

(b) Once an inmate is approved for paid employment, facility personnel, in consultation with the inmate, will establish a plan for the disbursement of earnings, based upon the needs, responsibilities, and financial obligations of the inmate. No change will be made in this plan of disbursement without the approval of the correctional officer major or facility director.

(c) No change.

(d) The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:

1. No change.

2. For all other inmates the amount of subsistence to be paid will be computed by factoring .65 (65%) ~~.45 (45%)~~ times the inmate's net earnings.

(e) through (h) No change.

(i) The inmate shall be responsible while in paid employment status for the following:

~~1. If transportation is provided by the department, the inmate shall be required to pay \$1.00 for every day one way transportation is provided or \$2.00 for two way transportation.~~

1.2. Health, comfort items, and incidental expenses.

2.3. Medical and dental expenses, unless waived by the regional health authority.

3. Transportation costs at contract work release facilities as stipulated by the vendor contract, but not to exceed three dollars (\$3.00) each way.

4. Tools, equipment, and clothing needed for employment.

(j) through (l) No change.

(11) No change.

(12) Advance of Funds. The facility director at contract work release centers ~~Department of Corrections~~ is authorized by contract to advance monies up to \$75.00 ~~to from the General Revenue Fund~~ for an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings prepared, as provided in subsection 33-601.602(10), F.A.C., shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate. Disciplinary action pursuant to Rule 33-601.314, F.A.C., shall be initiated and, after suitable proceedings to ensure due process for the collection of any unpaid portion of the advancement, other sources of funds available to the inmate shall be taken to the extent possible to satisfy the advancement of monies. Any property the inmate has with the department shall be taken to satisfy the debt, provided that before any property is taken, the inmate shall be given a hearing before the classification team to determine the fact and the amount of the debt. The inmate shall be given 24 hours written notice of such hearing. The inmate shall be allowed to present relevant evidence and argument. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself into the community.

(13) Citizen Committees. The correctional officer major of a work release center or facility director of a contract facility shall establish committees of volunteer citizens in the various communities of the state to assist the Department of Corrections by:

(a) through (e) No change.

(14) Program Facilities.

(a) The department is authorized to utilize any facility, including a contract facility, under its jurisdiction to provide community work release programs to inmates.

(b) through (c) No change.

(15) No change.

(16) Forms. The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (h) No change.

(i) DC6-127, Checklist for Transfers to Work Release Centers, effective 3-14-01.

(j) No change.

Specific Authority 945.091 FS. Law Implemented 945.091 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenia "Tina" Hayes, Acting Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:

RULE TITLES:

40E-8.021

Definitions

40E-8.221

Minimum Flows and Levels: Surface Waters

40E-8.421

Prevention and Recovery Strategies

PURPOSE AND EFFECT: To implement minimum flows and levels (MFLs) pursuant to Section 373.042, F.S., for Florida Bay. The MFL rule will identify the point at which significant harm would occur due to withdrawals and implement a recovery or prevention strategy.

SUMMARY: Section 373.042, F.S., directs the water management districts to establish minimum flows and levels ("MFLs") for priority water bodies within its jurisdiction. The current MFL priority water body list provides for adoption of a minimum flow and level for Florida Bay in 2006. The technical documentation in support of the proposed rules has been reviewed by an independent scientific peer review panel, as well as stakeholders and the public in a series of workshops. The proposed rule amendments will implement consumptive use permit and water shortage management rules and a prevention strategy. The proposed rule amendments would also provide other related projects with criteria for consideration in water resource planning.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared based on the District's determination that the proposed revisions will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: §§9, 10 P.L. 83-358, 373.042, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

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

DATE AND TIME: November 9, 2006, 9:00 a.m.

PLACE: Ocean Reef Club, North Ballroom, 35 Ocean Reef Drive, Key Largo, FL 33037

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cecile Piverotto, Senior Specialist Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6343 or (561)682-6343, email: cpiverot@sfwmd.gov. 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

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-8.021 Definitions.

Confirm with John Mulliken that this is the final version – any changes made at Board meeting?

(1) through (7) No change.

(8) Northeast Subregion of Florida Bay (hereinafter "Florida Bay") – means the bays, basins, and sounds within Taylor Slough and the C-111 Canal basin watersheds, including Long Sound, Little Blackwater Sound, Blackwater Sound, Buttonwood Sound, Joe Bay, Little Madeira Bay, Madeira Bay, Terrapin Bay, Eagle Key Basin, and other open waters of Florida Bay northeast of a boundary line between Terrapin Bay and Plantation Key (see Map 2).

(9)(8) Harm – means the temporary loss of water resource functions, as defined for consumptive use permitting in Chapter 40E-2, F.A.C., that results from a change in surface or ground water hydrology and takes a period of one to two years of average rainfall conditions to recover.

(10)(9) Indirect Withdrawal – means the withdrawal of water from a water source for a consumptive use that receives surface water or ground water from a MFL water body or is tributary to a MFL water body.

~~(11)(40)~~ Lake Istokpoga – means the lands and waters contained within the Lake below 40.0 feet NGVD, the top of the U.S. Army Corps of Engineers' regulation schedule.

~~(12)(41)~~ Lake Okeechobee – means the lands and waters contained within the perimeter of the Hoover Dike.

~~(13)(42)~~ LEC Plan – means the Lower East Coast Regional Water Supply Plan – May 2000, including all three volumes.

~~(14)(43)~~ Lower West Coast Aquifers – means the lower Tamiami aquifer, sandstone aquifer and the mid-Hawthorn aquifer that occur within Charlotte, Hendry, Glades, Lee and Collier counties.

~~(15)(44)~~ LWC Plan – means the Lower West Coast Regional Water Supply Plan – April 2000, including all three volumes.

~~(16)(45)~~ Minimum Flow – means a flow established by the District pursuant to Sections 373.042 and 373.0421, F.S., for a given water body and set forth in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

~~(17)(46)~~ Minimum Flow and Level Exceedance – means to fall below a minimum flow or level, which is established in Parts II and III of this chapter, for a duration greater than specified for the MFL water body.

~~(18)(47)~~ Minimum Flow and Level Violation – means to fall below a minimum flow or minimum level, which is established in Parts II and III of this chapter, for a duration and frequency greater than specified for the MFL water body. Unless otherwise specified herein, in determining the frequency with which water flows and levels fall below an established MFL for purposes of determining a MFL violation, a "year" means 365 days from the last day of the previous MFL exceedance.

~~(19)(48)~~ Minimum Level – means the level of groundwater in an aquifer or the level of surface water established by the District pursuant to Sections 373.042 and 373.0421, F.S., in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources of the area.

~~(20)(49)~~ MFL Water Body – means any surface water, watercourse, or aquifer for which an MFL is established in Part II or III of this chapter.

~~(21)(20)~~ Northwest Fork of the Loxahatchee River: Means those areas defined below:

(a) Northwest Fork of the Loxahatchee River that has been federally designated as Wild, Scenic and Recreational uses (as defined in the Loxahatchee River Wild and Scenic River Management Plan 2000) (see Map 1, incorporated herein), including the river channel that extends from river mile 6.0 (latitude 26.9856, longitude 80.1426) located near the eastern edge of Jonathan Dickinson State Park and continues upstream to the G-92 structure (latitude 26.91014, longitude 80.17578), including the C-14 Canal. The river channel includes the

physical water flow courses and adjacent floodplain up to the limits of the floodplain swamp and wetlands within Riverbend Park, as determined by state wetland delineation criteria;

(b) Cypress Creek which extends westward from river mile 10.6 to the intersection of Gulf Stream Citrus Road (latitude 26.96484, longitude 80.1855) located approximately one mile west of the Florida Turnpike and includes its natural river channels and contiguous floodplain as determined by state wetland delineation criteria;

(c) Kitching Creek which extends from river mile 8.1 (latitude 26.9908, longitude 80.1540) northward through Jonathan Dickinson State Park to north of Bridge Road (latitude 27.05513, longitude 80.17580), including its natural river channels and contiguous floodplain as determined by state wetland delineation criteria; and

(d) Hobe Grove Ditch which extends west from river mile 9.1 (latitude 26.9854, longitude 80.1594) westward to the Hobe-St. Lucie Conservancy District pump station outfall (latitude 26.5908, longitude 80.1031) including its natural river channels and contiguous floodplain as determined by state wetland delineation criteria.

~~(22)(21)~~ Operations – means activities taken by the District for the movement of surface water through works of the District pursuant to Chapter 373, F.S.

~~(23)~~ Parts per thousand (ppt) – means in the measurement of salinity the total amount of salt in grams per 1000 grams of water. Practical salinity units (psu) similarly means a measure of salinity, but one that is based on conductivity of water at a standard temperature and pressure. Both terms are used interchangeably for purposes of this rule.

~~(24)(22)~~ Prevention Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently not violated, but are projected to be violated within twenty (20) years of the establishment of the minimum flow or level, if said prevention strategies are not implemented.

~~(25)(23)~~ Recovery Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently violated.

~~(26)(24)~~ Regional Water Supply Plan – means a plan approved by the District pursuant to Section 373.0361, F.S.

~~(27)(25)~~ St. Lucie River North Fork – means the surface waters that extend from the Gordy Road Bridge structure (state plane coordinates, x851212.831, y1116105.7470), combined with tributary contributions below Gordy Road and collectively flow south to the confluence with the C-24 canal (state plane coordinates, x873,712.20, y1064,390.41).

~~(28)(26)~~ St. Lucie River South Fork – means the surface waters that extend from the culverts located at state plane coordinates x902, 512.67, y1,001,799.91, north to the confluence of the river and the St. Lucie Canal (C-44).

~~(29)(27)~~ St. Lucie Estuary – means the surface water body south of the confluence of the St. Lucie River North Fork and C-24, north of the confluence of the St. Lucie River South Fork and C-44, and west of the western boundary of the Intracoastal Waterway, exclusive of canals.

~~(30)(28)~~ Serious Harm – means the long-term loss of water resource functions, as addressed in Chapters 40E-21 and 40E-22, F.A.C., resulting from a change in surface or ground water hydrology.

~~(31)(29)~~ Significant Harm – means the temporary loss of water resource functions, which result from a change in surface or ground water hydrology, that takes more than two years to recover, but which is considered less severe than serious harm. The specific water resource functions addressed by a MFL and the duration of the recovery period associated with significant harm are defined for each priority water body based on the MFL technical support document.

Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06.

PART II MFL CRITERIA FOR LOWER EAST COAST REGIONAL PLANNING AREA

40E-8.221 Minimum Flows and Levels: Surface Waters.

(1) through (4) No change.

(5) Florida Bay

(a) The minimum flow is that necessary to maintain salinity as described in paragraph (b), below. A net discharge into northeastern Florida Bay of 105,000 acre-feet of water over a 365-day period (a running total measured at West Highway Creek, at 25°14'33" north and 80°26'50" west; Trout Creek, at 25°12'53" north and 80°32'01" west; Mud Creek, at 25°12'09" north and 80°35'01" west; Taylor River, at 25°11'27" north and 80°38'21" west; and McCormick Creek, at 25°10'03" north and 80°43'55" west), is estimated to be necessary to maintain salinity as described in paragraph (b), below.

(b) An exceedance of the minimum flow criteria will be deemed to occur when the average salinity over 30 or more consecutive days exceeds 30 parts per thousand at the Taylor River salinity monitoring station, located at 25°13'29" north and 80°39'10" west. Multiple events of 30 or more day periods with salinity greater than 30 parts per thousand, occurring within a single calendar year, are considered as a single exceedance.

(c) A minimum flow violation occurs when an exceedance occurs during each of two consecutive years, more often than once in a ten-year period. By this definition, three consecutive years of exceedances constitute a violation.

Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171, 373.042 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New 9-10-01, Amended 4-1-03,

Table 1. Minimum water levels, duration and return frequencies for key water management gages located within the Everglades ^(1,2, 3)

Area	Key Gage	Soil Type & MFL Criteria	Return Frequency (3)-(4) (years)
WCA-1 1-7	1-7	Peat ¹	1 in 4
WCA-2A	2A-17	Peat	1 in 4
WCA-2B	2B-21	Peat	1 in 4
WCA-3A North	3A-NE	Peat	1 in 2
WCA-3A North	3A-NW	Peat	1 in 4
WCA-3A North	3A-2	Peat	1 in 4
WCA-3A North	3A-3	Peat	1 in 3
WCA-3A Central	3A-4	Peat	1 in 4
WCA-3A South	3A-28	Peat	1 in 4
WCA-3B	3B-SE	Peat	1 in 7
Rotenberger WMA	Rotts	Peat	1 in 2
Holeyland WMA	HoleyG	Peat	1 in 3
NE Shark Slough	NESRS-2	Peat	1 in 10
Central Shark Slough	NP-33	Peat	1 in 10
Central Shark Slough	NP-36	Peat	1 in 7
Marl wetlands east of Shark Slough	NP-38	Marl ⁽²⁾	1 in 3
Marl wetlands west of Shark Slough	NP-201	Marl	1 in 5
Rockland marl marsh	G-620	Marl	1 in 2
Taylor Slough	G-1502 NP-67	Marl	1 in 2

- (1) = MFL Criteria for Peat-forming wetlands: Water levels within wetlands overlying organic peat soils within the water conservation areas, Rotenberger and Holeyland wildlife management areas, and Shark River Slough (Everglades National Park) shall not fall 1.0 feet or more below ground surface, as measured at a key gage, for one or more days during a period in which the water level has remained below ground for at least 30 days, at specific return frequencies shown above.
- (2) = MFL Criteria for Marl-forming wetlands: Water levels within marl-forming wetlands that are located east and west of Shark River Slough, the Rocky Glades, and Taylor Slough within the Everglades National Park, shall not fall 1.5 ft. below ground surface, as measured at a key gage, for one or more days during a period in which the water level has remained below ground for at least 90 days, at specific return frequencies for different areas, as shown above.
- (3) = Return frequencies were developed using version 3.7 of the South Florida Water Management Model (SFWMM) and are the same as those stated on page 168, Table 44 of the adopted LEC Regional Water Supply Plan (May 2000).

- (4) = MFL depth, duration and return frequencies are based on historic rainfall conditions for the 31 year period of record from 1965 to 1995.

PART IV IMPLEMENTATION

40E-8.421 Prevention and Recovery Strategies.

(1) through (8) No change.

(9) Florida Bay. Under existing system conditions, violations of the MFL are not anticipated to occur. Therefore, a prevention strategy is contained in this rule. In addition to the prevention strategies identified in subsection 40E-8.421(1), F.A.C., the following actions will be taken:

(a) Modifications to operations for improved management of freshwater discharges to the headwaters of Taylor Slough and the southeast Everglades should consider the MFL, in coordination with:

1. The Modified Waters Deliveries to Everglades National Park project and the C-111 Canal project, and any associated operational and construction plans pursuant to these projects;

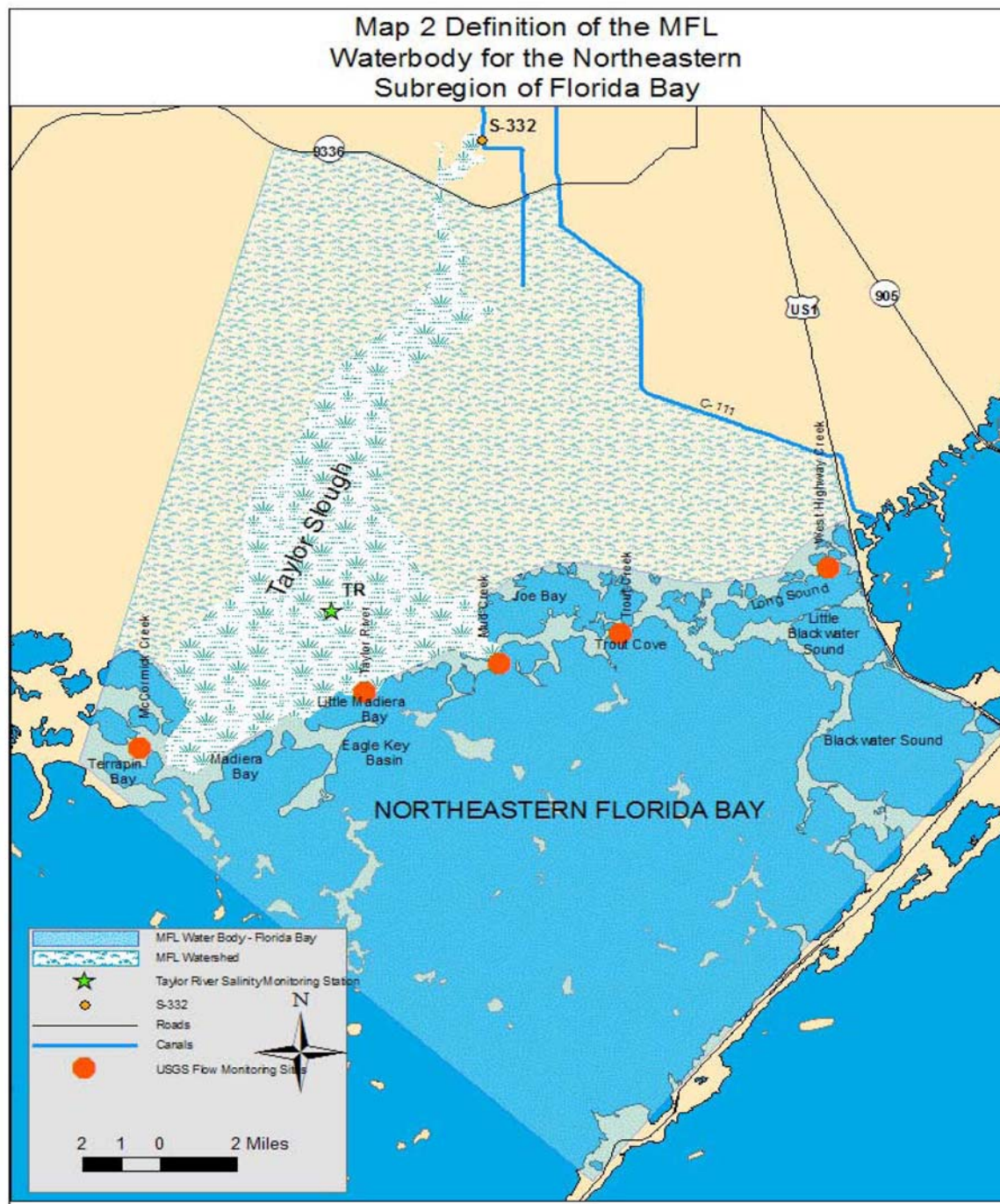
2. The C-111 Canal Spreader Acceler8 and CERP Projects;

3. The CERP Florida Bay and Florida Keys Feasibility Study.

(b) The SFWMD, in cooperation with other management agencies, will continue field monitoring and research to assess salinity, water level, and flow conditions and biological resource response in the region specified above.

(c) The update of the LEC Plan (anticipated in 2006) will contain a description of the elements, scheduling, and funding of the research and monitoring program and additional details of the prevention strategy for Florida Bay pursuant to Section 373.0421, F.S.

(d) These MFL criteria will be reviewed and may be revised no later than five years after adoption based on new information from the CERP Florida Bay and Florida Keys Feasibility Study or other scientific data that may become available. After the initial review, the MFL criteria will be reviewed at subsequent five-year intervals in conjunction with updates to the LEC Plan.



Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History—New 9-10-01, Amended 11-11-02, 4-1-03, 1-19-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wm. Scott Burns, Director, Water Supply Policy Implementation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 23, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.076	Player Tracking System
61D-14.077	Procedure for Electronic Fund Transfers
61D-14.078	Patron Slot Machine Gaming Accounts

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUMMARY: The rules address the following subject matter areas: Specify allowances and requirements for player tracking system processes in the state under Rule 61D-14.076, F.A.C.; articulate specific procedures for electronic funds transfers for patrons of facilities in the state under Rule 61D-14.077, F.A.C.; and the requirements for the creation, maintenance and audit of patron slot machine gaming accounts under Rule 61D-14.078, F.A.C.

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

Any person who wishes to provide information regarding the statement of estimated 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: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(d), (1)(e) 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: October 24, 2006, 9:00 a.m. – 12:00 Noon
PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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 Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE FULL TEXT OF THE PROPOSED RULES IS:

61D-14.076 Player Tracking System.

(1) Each slot machine licensee that offers the use of a card or device to its patrons for accessing funds from a patron account established under Rule 61D-14.078, F.A.C., or, uses such a card or device for tracking player history, shall include a description of this program or system as part of its internal control procedures and submit the internal control procedures to the division for approval.

(2) Any card or device referenced in subsection (1) shall only be used for slot machine gaming at the slot machine license facility where the card or device was issued.

(3) Any activity involving a card or device referenced in (1) shall be recorded and maintained in a database that shall be available for inspection by the division or FDLE upon demand. Information in the database shall be maintained for the time specified in paragraph 61D-14.080(3)(b), F.A.C.

(4) Each card or device issued to a patron shall require at least a four digit Personal Identification Number (PIN) for use.

(5) The following errors related to the use of a card or device shall be recorded by the facility based monitoring system and a message shall be displayed by the slot machine or automatic ticket redemption machine to the patron:

(a) An invalid PIN. This error shall cause the slot machine to prompt the patron for re-entry of the PIN. However, the slot machine shall not allow more than three attempts to re-enter a PIN number for the card or device;

(b) Account unknown;

(c) Inactive or closed account as determined by paragraph 61D-14.078(2)(g), F.A.C.; or

(d) Attempt to use a card or device that has been reported to the slot machine licensee as lost or stolen.

Statutory Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e) FS. History—New _____.

61D-14.077 Procedure for Electronic Fund Transfers.

(1) A slot machine licensee that receives or transfers funds by wire, facsimile, electronic funds transfer, or any similar transfer shall comply with all requirements of this rule. Any receipt or transfer of such funds shall be referred to as an Electronic Funds Transfer “EFT”.

(2) The slot machine licensee shall establish a single transaction account for the receipt and transfer of all EFTs from, or on behalf of, patrons.

(3) A slot machine licensee that receives or transmits an EFT shall establish a Patron Account pursuant to Rule 61D-14.078, F.A.C., for that patron at the slot machine licensee’s facility.

(4) The slot machine licensee shall maintain internal control procedures for transmittal or receipt of EFT transactions. These internal control procedures shall include:

(a) An anti-money laundering program; and

(b) Identification of a program manager or other person responsible for ensuring that a procedure is implemented and administered by the slot machine licensee and monitored to maintain the following standards:

1. Provisions for training of employees related to EFT functions within fourteen (14) days of the employee’s hire date. No employee shall perform any function related to EFT until the employee has completed training. Documentation of all training shall be maintained on site;

2. Annual follow-up training for EFT employees;

3. Ensure any contracted licensed vendor utilized by the slot machine licensee is implementing the standards of this rule, and the internal control standards of the slot machine licensee;

4. Establish written policies and procedures for daily administration and reconciliation and monthly reconciliation of all EFT activity; and

5. Establish a process for the slot machine license holder to maintain dual control standards and reconciliation practices when a licensed contracted vendor is utilized.

(c) Procedures for receipt and transfer of EFT transactions shall include:

1. Designation of licensed employees to complete EFT transactions on behalf of a patron;

2. Recording signature and occupational license number of the slot machine licensed employee receiving and recording the information required by section;

3. Verification of patron identification, attested by signature and inclusion of occupation license number of a designated slot machine licensee supervisor;

4. Ensure the patron is present with the designated licensed employee during the process of receiving or sending the EFT;

5. Maintaining an EFT Log and an EFT acknowledgement form to record notice and executions of EFT activity;

6. Identify and verify the name, address and account information of the financial institution and the conductor of incoming EFTs; and

7. Identify and verify the name, address and account information of the financial institution and the beneficiary for the account to which the funds will be credited.

(d) Procedures for processing and documenting EFT reversals. An EFT reversal occurs when an unprocessed or undeposited EFT fund is returned to the originating institution because:

1. The transmitting financial institution, wherever located, is unable or unwilling to disclose the identity of the account or account owner from which the funds were originally transferred; or

2. The individual designated as the recipient of the EFT funds is either unavailable at the time of the notice of EFT fund arrival or is unable to provide proper identification;

(e) The EFT reversal procedure shall include:

1. A log that shall contain entries of each EFT that has been reversed and that the division and the FDLE were advised of the reversal;

2. A process for dual control standards and reconciliation controls when a contracted vendor administers EFT transactions;

3. A process to comply with the criteria for mandatory filing of a Suspicious Activity Report by Casinos and Card Clubs, FinCEN Form 102 (April 2003), 31 United States Code 5318(g);

4. Immediate notification of FDLE in their on site office in any instance when funds are immediately returned to the sending institution; and

5. Documentation of a reversal shall meet all the conditions of this section.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (1)(e) FS. History—New _____.

61D-14.078 Patron Slot Machine Gaming Accounts.

(1) A slot machine licensee shall only establish wagering accounts for its patrons who are real persons. Controls for such wagering accounts (Patron Accounts) shall be included within the slot machine licensee’s system of internal controls.

(2) The system of internal controls for Patron Accounts shall include procedures for the following:

(a) Verification of the identity of the patron by a form of identification required by Rule 61D-14.010, F.A.C.;

(b) Retention of a copy of the form of identification produced by the patron and a current photograph of the patron;

(c) Maintenance of the current street and mailing address and telephone number of the patron;

(d) Determination that the patron is not in the slot machine licensee's database of excluded patrons maintained pursuant to Rule 61D-14.020, F.A.C.;

(e) Establishment of a signature file under the slot machine licensee's internal control procedures pursuant to subsection 61D-14.058(7), F.A.C.;

(f) Reconciliation of the balances of the Patron Accounts, Patron Account Transaction Forms, and the log of transactions referenced in subsection (7) made by patrons during a shift;

(g) Auditing and rendering inactive all Patron Accounts that have had no activity or those having a zero balance for a period of 90 days; and

(h) A requirement to reactivate a patron account, the patron shall present identification at the cage as required by Rule 61D-14.010, F.A.C., in person.

(3) Funds deposited into a Patron Account shall only be used at the slot machine licensee's facility in which the Patron Account was established.

(4) Patron Account Transaction Forms shall be serially pre-numbered two-part forms used in sequential order.

(5) The cashier shall record the following information on the Patron Account Transaction Form after verifying the identity of the patron or of the person making a deposit on behalf of the patron:

(a) Whether the transaction was a deposit or withdrawal;

(b) The name of the patron;

(c) The total amount of the transaction indicated with both a numerical total and a written amount;

(d) The date and time;

(e) Type of transaction (EFT, cash withdrawal, cash equivalent, or cash deposit);

(f) The signature and occupational license number of the cashier or, if computer generated, the occupational license number of the cashier; and

(g) All voided original and duplicate Patron Account Transaction Forms shall be marked "VOID" and shall require the signatures and occupational license numbers of the preparer and a supervisor.

(6) After preparation of the Patron Account Transaction Form, the cashier shall obtain the patron's signature and shall distribute the copies in the following manner:

(a) The original shall be forwarded to the slot machine licensee's accounting department; and

(b) The duplicate copy shall be given to the patron.

(7) A log of all Patron Account transactions conducted at the cage shall be prepared on a daily basis that shall include the following:

(a) The date of the transaction;

(b) Patron Account Transaction Form Number;

(c) The name of the patron;

(d) The amount of the transaction; and

(e) The type of transaction (EFT, cash withdrawal, cash equivalent, or cash deposit).

(8) Withdrawals from Patron Accounts shall only be made to the person in whose name the Patron Account is established.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (e) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:

David J. Roberts, Director, Division of Pari-Mutuel Wagering

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Simone Marstiller, Secretary,

Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: August 3, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:

RULE TITLE:

61G4-16.009

Examination and Reexamination

PURPOSE AND EFFECT: The Board proposes to review the existing rule on examination and reexamination.

SUMMARY: The Board proposed a rule amendment to allow the candidate to take any specific part of the test no more than six times within a two year period of the first attempt.

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

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

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.108, 489.129(2) FS.

LAW IMPLEMENTED: 455.217, 489.109, 489.111 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.009 Examination and Reexamination.

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

1. No change.

2. A candidate shall be required to retake only the tests on which he or she failed to achieve a passing score or failed to appear to take when scheduled. However, a candidate must pass all tests within two years three hundred sixty five (365) days of the first attempt; after which time all past test scores of the candidate shall be considered invalid and he or she shall be required to take all parts of the test as specified in Rule 61G4-16.001, F.A.C. A candidate may take any specific part of the test no more than six times in the two year period.

3. No change.

(2) through (4) No change.

Specific Authority 455.217(2), 455.219(1), 489.108, 489.129(2) FS. Law Implemented 455.217, 489.109, 489.111 FS. History—New 2-25-93, Formerly 21E-16.009, Amended 10-17-93, 7-20-94, 11-25-97, 9-15-99, 4-26-00, 10-24-00, 2-6-03, 1-10-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-20.004 RULE TITLE: Display of Documents

PURPOSE AND EFFECT: To require lamination of the license and photo on display.

SUMMARY: Requires lamination of licenses by July 1, 2007.

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

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

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.004 Display of Documents.

(1) All holders of a cosmetology or specialty salon license shall display within their salons in a conspicuous place which is clearly visible to the general public upon entering the salon the following documents:

(a) The current salon license,

(b) A legible copy of the most recent inspection sheet for the salon.

(2) All holders of a cosmetology or specialty salon license shall require and ensure that all individuals engaged in the practice of cosmetology, any specialty, hair braiding, hair wrapping, or body wrapping display at the individual's work station their current license or registration at all times when the individual is performing cosmetology, specialty, hair braiding, hair wrapping, or body wrapping services. The license or registration on display shall be the original certificate or a duplicate issued by the Department and shall have attached a 2" by 2" photograph taken within the previous two years of the individual whose name appears on the certificate. The certificate with photograph attached shall be permanently laminated as of July 1, 2007. A photograph of the individual whose name appears on the displayed license or registration certificate, which is approximately 2" by 2" and less than two years old, shall be permanently attached or affixed to all displayed licenses and registration.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 11-2-80, Amended 10-10-82, 6-28-84, 10-6-85, Formerly 21F-20.04, 21F-20.004, Amended 3-22-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-32.001 RULE TITLE: Continuing Education

PURPOSE AND EFFECT: To increase time for Continuing Education Providers to submit information.

SUMMARY: Increases the time for providers to submit the list of attendees.

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

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

SPECIFIC AUTHORITY: 455.2178, 455.2179, 455.219(3), 455.2228, 477.016, 477.019(7) FS.

LAW IMPLEMENTED: 455.2178, 455.2179, 455.219(3), 455.2228, 477.019(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-32.001 Continuing Education.

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

(e) Beginning November 1, 2001, continuing education providers shall electronically provide to the Department the list of attendees at each of its offered courses within 30 5 business days of the completion of the course, or prior to the end of the renewal cycle, whichever occurs first. For home study courses, the provider shall electronically supply the list of those individuals successfully completing the course by the 5th of the month following the calendar month in which the provider received documentation and was able to determine the successful completion of the course by the individual. This list shall include the provider's name and provider number, the name and license or registration number of the attendee, the date the course was completed, and the course number. All documents from the provider shall be submitted electronically to the Department and must be in a form as agreed to by the Department with the provider. Failure to comply with the time and form requirements will result in disciplinary action taken against the provider and the course approval. Each continuing education provider shall maintain records of attendance or completion for all continuing education courses offered or taught by the provider for a period of not less than four years following the offering of each course or the receipt of documentation of completion of a home study course. Upon request, these records shall be made available for inspection by the Department or its agent, or the private entity contracted with by the Department to administer the continuing education program at such reasonable time and location as determined by the Department or its agent, or the private entity. The list of attendees submitted electronically to the Department shall not include the names of applicants taking the course for initial licensure pursuant to Rule 61G5-18.011, F.A.C.

(f) through (8) No change.

Specific Authority 455.2178, 455.2179, 455.219(3), 455.2228, 477.016, 477.019(7) FS. Law Implemented 455.2178, 455.2179, 455.219(3), 455.2228, 477.019(7) FS. History—New 3-25-99, Amended 2-28-00, 7-27-00, 7-29-01, 7-1-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 23, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.:

61G15-19.004

RULE TITLE:

Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Purpose and effect is to amend the rule to include guidelines for all the violations.

SUMMARY: The rule is amended to include guidelines for all the violations.

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

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

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.031, 471.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
<u>(a) Violating any provision of s. 455.227(1), Section 471.025 or 471.031, F.S., or any other provision of Chapter 471, F.S., or rule of the Board or Department</u> <u>[471.033(1)(a), 455.227(1)(b)(q)]</u>	<u>Reprimand and \$1,000 fine</u>	<u>One (1) year suspension, two (2) years probation and \$5,000 fine</u>
<u>1. Failure to sign, seal or date documents</u> <u>[471.025(1)]</u>	<u>Reprimand</u>	<u>Reprimand and one (1) year probation</u>
<u>2. Sealing any document after license has expired or been revoked or suspended, or failure to surrender seal if the license has been revoked or suspended</u> <u>[471.025(2)]</u>	<u>Suspended license: Revocation and \$1,000 fine</u> <u>Revoked license: Referral to State's Attorney's office</u>	
<u>3. Signing or sealing any document that depicts work the licensee is not licensed to perform or which is beyond his or her profession or specialty therein or practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities the licensee is not competent to perform</u> <u>[471.025(3), 455.227(1)(o), 61G15-19.001 (6)(c) (d)]</u>	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u>
<u>4. Firm practicing without certificate of authorization</u> <u>[471.023, 61G15-19.001(3)]</u>	<u>Reprimand</u>	<u>Revocation</u>
<u>5. Failure to complete continuing education</u> <u>[471.017(3), 61G15-22.001]</u>	<u>Suspend until licensee demonstrates compliance</u>	<u>Revocation</u>
<u>6. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer</u> <u>[471.031(1)(a)(b)]</u>	<u>\$1,000.00 fine per count</u>	<u>\$5,000.00 fine per count</u>
<u>7. Presenting as his or her own the license of another</u> <u>[471.031(1)(c)]</u>	<u>\$1,000.00 fine per count</u>	<u>\$5,000.00 per count and revocation</u>
<u>8. Giving false or forged evidence to the Board or concealing information relative to violations of this chapter</u> <u>[471.031(1)(d) (g)]</u>	<u>\$1,000.00 fine per count</u>	<u>\$5,000.00 per count and revocation</u>
<u>9. Employing unlicensed persons to practice engineering or aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapter 455 or 471, F.S.</u> <u>[471.031(1)(f), 455.227(1)(j)]</u>	<u>\$1,000.00 fine per count and reprimand</u>	<u>\$5,000.00 per count and revocation</u>

<u>10. Having been found liable for knowingly filing a false complaint against another licensee [455.227(1)(g)]</u>	<u>\$1,000.00 fine per count and reprimand</u>	<u>\$5,000.00 fine per count and revocation</u>
<u>11. Failing to report a person in violation of Chapter 455, Chapter 471 or the rules of the Board or the Department [455.227(1)(i)]</u>	<u>Reprimand</u>	<u>Reprimand, \$5,000.00 per count and suspension for one year</u>
<u>12. Failing to perform any statutory or legal obligation [455.227(1)(k)]</u>	<u>Reprimand</u>	<u>Revocation</u>
<u>13. Exercising influence on a client for financial gain [455.227(1)(n)]</u>	<u>Reprimand</u>	<u>Revocation</u>
<u>14. Improper delegation of professional responsibilities [455.227(1)(p)]</u>	<u>\$1,000.00 fine per count and probation for one year</u>	<u>Revocation</u>
<u>15. Improperly interfering with an investigation or inspection or disciplinary proceeding [455.227(1)(r)]</u>	<u>\$1,000.00 fine per count and probation for one year</u>	<u>Revocation</u>
<u>(b) Attempting to procure a license by bribery, fraudulent misrepresentation, or error of the Board or Department [471.033(1)(b), 455.227(1)(h)]</u>	<u>Revocation and \$1,000 fine if licensed; if not licensed, denial of license and referral to State Attorney</u>	
<u>(c) Having a license to practice engineering acted against or denied by another jurisdiction [471.033(1)(c), 455.227(1)(f)]</u>	<u>Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes</u>	
<u>(d) Being convicted or found guilty of, or entering a plea of nolo to a crime which relates to the practice or ability to practice [471.033(1)(d), 455.227(1)(c)]</u>	<u>Misdemeanor: reprimand and one (1) year probation</u> <u>Felony: Revocation and \$1,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u>
<u>1. Conviction of crime related to building code inspection or plans examination [61G15-19.001(7)(a)]</u>	<u>Misdemeanor: reprimand and one (1) year probation</u> <u>Felony: Revocation and \$5,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u>
<u>(e) Knowingly making or filing a false report or record, failing to file a report or record required by law, impeding or obstructing such filing [471.033(1)(e), 61G15-19.001(7)(c), 455.227(1)(l)]</u>	<u>One (1) year suspension, two (2) years probation, \$1,000 fine</u>	<u>Revocation and \$5,000 fine</u>
<u>(f) Fraudulent, false, deceptive or misleading advertising [471.033(1)(f), 61G15-19.001(2)]</u>	<u>Reprimand</u>	<u>Reprimand, one (1) year probation and \$5,000 fine</u>

(g) Fraud, deceit, negligence, incompetence or misconduct

(471.033(1)(g), 455.227(1)(a)(m))

1. Fraud or deceit

Reprimand, two (2) year probation and \$1,000 fine

\$5,000 fine and revocation

2. Negligence

[61G15-19.001(4)]

Reprimand, two (2) years probation and \$1,000 fine

Reprimand, \$5,000 fine, five (5) year suspension and ten (10) years probation

a. As a special inspector

Reprimand, two (2) years probation and \$1,000 fine

Reprimand, \$5,000 fine, five (5) year suspension and ten (10) years probation or revocation

3. Incompetence

[61G15-19.001(5)]

Suspension until ability to practice proved followed by probation

4. Misconduct

[61G15-19.001(6)]

\$1,000.00 fine per count and reprimand

Revocation

a. Expressing an opinion publicly on an engineering subject without being informed as to the facts and being competent to form a sound opinion

[61G15-19.001(6)(a)]

Reprimand and \$1,000.00 fine per count

Revocation

b. Being untruthful, deceptive or misleading in any professional report, statement or testimony or omitting relevant and pertinent information from such report, statement or testimony when the result or such omission would or reasonably could lead to a fallacious conclusion

[61G15-19.001(6)(b)]

Reprimand and \$1,000.00 fine per count

Revocation

c. Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment other than the payment of the usual commission for securing salaried positions through licensed employment agencies

[61G15-19.001(6)(c)]

\$5,000.00 fine per count and suspension for five years

Revocation

d. Soliciting or accepting gratuities without client knowledge

[61G15-19.001(6)(g)(h)]

Reprimand, one (1) year probation and \$1,000 fine

Reprimand, one (1) year suspension, two (2) years probation and \$5,000 fine

e. Failure to preserve client's confidence

[61G15-19.001(6)(r)]

Reprimand, one (1) year probation and \$1,000 fine

Reprimand, one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer)

f. Professional judgment overruled by unqualified person

[61G15-19.001(6)(i)]

Reprimand, one (1) year probation and \$1,000 fine

Reprimand, one (1) year suspension, two (2) years probation and \$5,000 fine

<u>g. Use of name/firm in fraudulent venture</u> <u>[61G15-19.001(6)(k)]</u>	<u>Reprimand, one (1) year probation and</u> <u>\$1,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1)</u> <u>year suspension and two (2) years</u> <u>probation</u>
<u>h. Undisclosed conflict of interest</u> <u>[61G15-19.001(6)(f)(p)]</u>	<u>Reprimand, \$1,000 fine and two (2)</u> <u>years probation</u>	<u>Revocation and \$5,000 fine</u>
<u>(h) Violating any provision of Chapter 455, F.S.</u> <u>[471.033(1)(h), 455.227(1)(q)]</u>	<u>Reprimand and \$1,000.00 fine per</u> <u>count</u>	<u>\$5,000.00 fine per count and</u> <u>revocation</u>
<u>(i) Practicing on a revoked, suspended, inactive</u> <u>or delinquent license</u> <u>[471.033(1)(i), 471.031(1)(e)]</u>		
<u>1. Delinquent license</u>	<u>Reprimand</u>	<u>Revocation</u>
<u>2. Inactive license</u>	<u>Fine based on length of time in practice</u> <u>while inactive; \$100/month or \$1,000</u> <u>maximum, renewal of license or cease</u> <u>practice</u>	
<u>3. Suspended license</u>	<u>Revocation and \$1,000 fine</u>	
<u>4. Revoked license</u>	<u>Referral to State Attorney</u>	
<u>(j) Affixing or permitting to be affixed his or</u> <u>her seal, name, or digital signature to any</u> <u>documents that were not prepared by him or her</u> <u>or under his or her responsible supervision,</u> <u>direction or control</u> <u>[471.033(1)(j), 61G15-19.001(6)(j)(q)]</u>	<u>Reprimand, one (1) year probation and</u> <u>\$1,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1)</u> <u>year suspension and two (2) year</u> <u>probation</u>
<u>(k) Violating any order of the board or</u> <u>department</u> <u>[471.033(1)(k), 61G15-19.001(6)(o),</u> <u>455.227(1)(q)]</u>	<u>Suspension and \$1,000 fine</u>	<u>Revocation and \$5,000 fine</u>
<u>(l) Aiding, assisting, procuring, employing</u> <u>unlicensed practice or practice contrary to</u> <u>Chapter 455 or 471, F.S.</u> <u>[455.227(1)(j)]</u>	<u>Reprimand and \$1,000.00 fine per</u> <u>count</u>	<u>\$5,000.00 fine per count and</u> <u>revocation</u>
<u>(a) Failure to date plans</u> <u>(471.025(1), F.S.)</u>	<u>Reprimand</u>	<u>Reprimand and one (1)</u> <u>year probation</u>
<u>(b) Signing or sealing</u> <u>work not competent</u> <u>to perform</u> <u>(455.227(1)(o), F.S.)</u> <u>(471.025(3), F.S.)</u> <u>(paragraphs 61G15-19.001</u> <u>(6)(e), (d))</u>	<u>Reprimand</u> <u>and \$1,000</u> <u>fine and one</u> <u>(1) year</u> <u>probation</u>	<u>Reprimand,</u> <u>\$5,000 fine,</u> <u>one (1) year</u> <u>suspension</u> <u>and two (2)</u> <u>year probation</u>
<u>(c) "Plan stamping"</u> <u>(471.033(1)(j), F.S.)</u> <u>(paragraphs 61G15-19.001</u> <u>(6)(j), (q))</u>	<u>Reprimand,</u> <u>one (1) year</u> <u>probation and</u> <u>\$1,000 fine</u>	<u>Reprimand, \$5,000</u> <u>fine, one (1) year</u> <u>suspension and</u> <u>two (2) year probation</u>
<u>(d) Violating a Final</u>	<u>Suspension and</u>	<u>Revocation and</u>

Order of the Board (455.227(1)(q), F.S.) (471.033(1)(k), F.S.) (paragraph 61G15-19.001(1)(o))	\$1,000 fine	\$5,000 fine
(e) Attempting to procure or procuring a license by bribery or fraudulent misrepresentation (455.227(1)(h), F.S.) (471.033(1)(b), F.S.)	Revocation and \$1,000 fine if licensed (denial of license and refer to State Attorney if not licensed)	
(f) License disciplined by another jurisdiction (455.227(1)(f), F.S.) (471.033(1)(e), F.S.)	Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes	
(g) Criminal Conviction relating to engineering (455.227(1)(e), F.S.) (471.033(1)(d), F.S.) (paragraph 61G15-19.001(6)(i))	Misdemeanor: reprimand & one (1) year probation	Reprimand; \$5,000 fine; one (1) year suspension and two (2) year probation
	Felony: Revocation and \$1,000 fine	
(h) Practice on suspended license (455.227(1)(q), F.S.) (471.033(1)(i), F.S.)	Revocation and \$1,000 fine	
(i) Practice on inactive license (455.227(1)(q), F.S.) (471.033(1)(i), F.S.)	Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum (penalty will require licensee to renew license or cease practice)	
(j) Practice on revoked license (455.227(1)(q), F.S.) (471.033(1)(i), F.S.)	Refer to State Attorney for criminal prosecution	
(k) Knowingly making or filing false report (455.227(1)(l), F.S.) (471.033(1)(e), F.S.) (paragraph 61G15-19.001(6)(b))	One (1) year suspension; two (2) year probation and \$1,000 fine	Revocation and \$5,000 fine
(l) Fraudulent, false, deceptive, or misleading advertising (455.227(1)(a), F.S.) (471.033(1)(f), F.S.) (subsection 61G15-19.001(2))	Reprimand	Reprimand, one (1) year probation and \$5,000 fine
(m) Negligence (455.227(1)(q), F.S.) (471.033(1)(g), F.S.)	Reprimand; two (2) year probation	Reprimand; \$5,000 fine; five (5) year

	and \$1,000 fine-	suspension and ten (10)-year probation
(n) Fraud or deceit (455.227(1)(a), (m), F.S.) (471.033(1)(g), F.S.)	Reprimand, one (1)-year suspension; two (2)-year probation and \$1,000 fine	\$5,000 fine and revocation
(o) Misconduct		
1. Soliciting or accepting gratuities without client knowledge: (455.227(1)(q), F.S.) (471.033(1)(g), F.S.) (paragraphs 61G15-19.001(6)(g), (h))	Reprimand, one (1)-year probation and \$1,000 fine	Reprimand, one (1)-year suspension; two (2)-year probation and
2. Failure to preserve client's confidence: (455.227(1)(q), F.S.) (paragraph 61G15-19.001(6)(r))	Reprimand, one (1)-year probation and \$1,000 fine	Reprimand, one (1)-year suspension and two (2)-year probation (if pecuniary benefit accrues to engineer)
3. Professional judgment is overruled by unqualified person: (455.227(1)(q), F.S.) (paragraph 61G15-19.001(6)(i))	Reprimand, one (1)-year probation and \$1,000 fine	Reprimand, one (1)-year suspension; two (2)-year probation and \$5,000 fine
4. Use of name/firm in fraudulent venture: (455.227(1)(q), F.S.) (paragraph 61G15-19.001(6)(k))	Reprimand one (1)-year probation and \$1,000 fine	Reprimand \$5,000 fine; one (1)-year suspension and two (2)-year probation
(p) Incompetence (mental or physical impairment) (455.227(1)(q), F.S.) (subsection 61G15-19.001(5))	Suspension until ability to practice proved followed by probation	
(q) Undisclosed conflict of interest (455.227(1)(q), F.S.) (paragraphs 61G15-19.001(6)(f), (p))	Reprimand, \$1,000 fine, and two (2)-year probation	Revocation and \$5,000 fine
(r) Firm practicing without certificate of authorization (455.227(1)(q), F.S.) (471.023, F.S.)	Reprimand	
(s) Violation of any provision of Chapter 61G15, F.A.C., or Chapter 471, F.S.	Reprimand, \$1,000 fine	One (1)-year suspension; two (2)-year

~~(455.227, F.S.)~~
~~(471.033(1)(a), F.S.)~~

~~probation and~~
~~\$5,000 fine~~

~~(t) Conviction of crime related to~~
~~building code inspection or~~
~~plans examination~~
~~(paragraph 61G15-19.001(7)(a))~~

~~Misdemeanor: reprimand and one (1)~~
~~year probation~~

~~Reprimand, \$5,000 fine, one~~
~~(1)-year~~
~~suspension and~~
~~two (2)-year probation~~

~~(u) False reporting~~
~~(paragraph 61G15-19.001(7)(c))~~

~~One (1)-year suspension, two (2)-year~~
~~probation and \$1,000 fine~~

~~Revocation and \$5,000 fine~~

~~(v) Negligence as a Special~~
~~Inspector (subsection 61G15-19.001(8))~~

~~Reprimand, two (2)-year probation and~~
~~\$1,000 fine~~

~~Reprimand, \$5,000 fine five (5)~~
~~year suspension~~
~~and ten (10)-year~~
~~probation, or revocation~~

(3) No change.

Specific Authority 455.227, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 471.031, 471.033 FS. History—New 1-7-87, Formerly 21H-19.004, Amended 11-27-94, 5-22-01, 11-15-01, 5-20-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: June 14, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: August 18, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-505 Small Community Wastewater
 Facilities Grants Program

RULE NOS.: RULE TITLES:

62-505.100 Scope
 62-505.200 Definitions
 62-505.300 General Program Information
 62-505.350 Grant Funding
 62-505.360 Rural Hardship Community Grant
 Funding
 62-505.420 Project Allowances
 62-505.600 Priority List Information
 62-505.650 Priority Determination
 62-505.655 Ranking Projects for Priority List
 Development
 62-505.680 Priority List Management

62-505.700

Planning, Design, Construction, and
 Procurement Requirements

62-505.800

Audit Required

62-505.850

Exceptions to Program Requirements

PURPOSE AND EFFECT: The proposed rule incorporates a major restructuring. It has been streamlined to remove redundancy and to make it easier to read. The rural hardship community program is deleted because it is defunct.

SUMMARY: The proposed rules would establish eligibilities; prerequisites for grant-in-aid; project priorities; procedures for obtaining grants; maximum grant amounts; grant percentages; requirements for planning, design, and construction; procurement; and responsibilities of the parties to grant agreements. Most construction grants would be a subsidy to the project sponsor's State Revolving Fund loan repayments, or some other suitable funding mechanism. The loan repayment subsidy for construction activities would be based on a formula that would incorporate the project sponsor's affordability index and a weighted average of its priority factors. The affordability index is an empirical number that is generated by a computer program developed for the Department by Florida State University and is based on a statistical analysis of the project sponsor's median household income, poverty and unemployment census statistics from the most recent decennial census. Allowances would be eliminated. All elements included in a State Revolving Fund loan repayment would be eligible for grant funding at the grant percentage.

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

Any person who wishes to provide information regarding the statement of estimated 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: 403.1838, 403.1838(3)(a), (b) FS.

LAW IMPLEMENTED: 403.1835, 403.1835(3)(a), (b), (d), (7), (10), 403.1838, 403.804 FS.

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

DATE AND TIME: October 26, 2006, 9:00 a.m.

PLACE: Environmental Regulation Commission of the Department of Environmental Protection, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, Florida

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 7 days before the workshop/meeting by contacting: Bob Holmden at (850)245-8394. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Holmden, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399 2400; Telephone (850)245-8394

THE FULL TEXT OF THE PROPOSED RULES IS:

SMALL COMMUNITY WASTEWATER FACILITIES GRANTS PROGRAM

62-505.100 Scope.

(1) Florida's Small Community Wastewater Facilities Grants Program is authorized by Sections 403.1835 and 403.1838, F.S. These statutes authorize the Department to fund the planning, design, and construction of wastewater management systems for qualifying small municipalities.

(2) This chapter sets forth the Department's program management procedures and the requirements for obtaining financial assistance from the Small Community Wastewater Facilities Grants Program.

(3) Highest priority is given to projects that address the most serious risks to public health, are necessary to achieve compliance, or assist systems most in need based on an affordability index.

Specific Authority 403.1835(10) FS. Law Implemented 403.1835(3)(d), 403.1838 FS. History--New

62-505.200 Definitions.

For purposes of this rule:

(1) "Affordability Index" means the empirical number that is generated for a local government using the computer model entitled "Final Report Statistical Wt. - No Sales," which is based on a combination of the most recent median household income, poverty, and unemployment census statistics for the local government. The computer model is extracted from the program entitled "User Manual Affordability Index," March 2003, Economics Department, Florida State University, Tallahassee, Florida, which is hereby incorporated by reference. "Contingency portion" means the portion of a

priority list consisting of projects that are qualified to be on the fundable portion upon list adoption but cannot be placed on the fundable portion until there are sufficient funds.

(2) "Available funds" means unobligated grant allocation assessments and other unobligated funds projected to be available.

(3) "Construction cost" means costs associated with allowable construction, equipment, materials, and demolition.

(4) "Construction grant" means financial assistance provided to a project sponsor for design and construction of its wastewater management project.

(5)(2) No change.

(6)(3) "Department" means the Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-2400. Forms and program information can be obtained by writing to this address or by accessing the Bureau's website at <http://www.dep.state.fl.us/water/wff/cwsrf>.

(4) "EPA" means the U.S. Environmental Protection Agency.

(7)(5) "Financially disadvantaged small community" or "disadvantaged community" shall mean, for the purposes of financially disadvantaged small community grant funding, a municipality which, according to the latest published U.S. Department of Commerce decennial census, had a total population and a service area population of 7,500 or less and a per capita annual income less than the state average per capita annual income. Data may be obtained from the census website at <http://censtats.census.gov/pub/Profiles.shtml> State Data Center, 200 Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida 32399-2151. "Fundable portion" means the portion of the priority list consisting of the projects scheduled to receive approval for funding during the fiscal year for which a list is prepared.

(8)(6) No change.

(9)(8) "Grant allocation assessment" means that portion of each State Revolving Fund non-capitalization grant project loan repayment under Chapter 62-503, F.A.C., repayment of each loan made after June 30, 1997, that shall be used solely for the purpose of making wastewater grants to financially disadvantaged small communities under this rule chapter. Loans for wastewater management facilities under rule chapter 62-503, F.A.C., and loans for stormwater management facilities 62-504, F.A.C., provide for such grant allocation assessments. The grant allocation assessment shall be in addition to the principal and interest portions of each repayment.

(10)(9) "Grant application" means Form 62-505.900(2), Grant Application, effective July 22, 1999, which is incorporated herein by reference. Copies of this form may be obtained by writing to the Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399 2400.

"Post-allowance activities" means construction, procurement of equipment and materials, land acquisition, demolition, and technical services after construction bid opening.

(11)(10) "Preconstruction grant" means the funds available for assistance in completing the wastewater planning documentation including special studies. "Post-allowance activities" means construction, procurement of equipment and materials, land acquisition, demolition, and technical services after construction bid opening.

(11) "Post-allowance project cost" means the cost for allowable construction, equipment, materials, demolition, allowable land acquisition under rule 62-505.300(1)(a), F.A.C., contingency, and technical services after construction bid opening.

(12) "Pre construction activities" means planning, design, and administrative activities, including establishing sufficient interest in project sites to enable construction, operation, and maintenance of project facilities, performed prior to any post-allowance project activity.

(12)(13) "Priority list" or "project list" means the annual yearly listing of fundable and contingency portion projects scheduled to receive approval for funding during the fiscal year for which the list is prepared for grant funding.

(13)(14) "Project" means any cost-effective devices and systems associated with wastewater collection, transmission, treatment, or disposal facilities. This includes facilities to reuse reclaimed water from for wastewater treatment plants. Project construction need not, in and of itself, result in an operable system. The principal purpose of the project shall be for domestic wastewater pollution control.

(14) "Project costs" means construction costs plus contingency, legal and technical services, land acquisition; and State Revolving Fund loan service fee, allowance, and interest.

(15) "Project sponsor" means a financially disadvantaged small municipality community or a rural hardship community having jurisdiction over collection, transmission, treatment, or disposal of wastewater and its residuals, industrial wastes, or other wastes.

(16) "Request for inclusion" means form 62-505.900(1), F.A.C., Request for Inclusion, on the Priority List for Wastewater Facilities Grants, effective July 22, 1999, which is incorporated herein by reference. Copies of this form may be obtained by writing to the Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399 2400.

(17) "Service Area" means that area currently served by the project sponsor and any additional areas proposed to be served by the sponsor's project. "Rural hardship community" shall mean, for the purposes of rural hardship community grant funding, a municipality that meets the conditions described below. Data under paragraphs (a), (b), and (c) below may be

obtained from the State Data Center, 200 Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida 32399 2151.

(a) The population shall be less than or equal to 3,000 as of the most recent U.S. Department of Commerce decennial census.

(b) The per capita income of the municipality does not exceed 80% of national per capita annual income as of the most recent decennial census. Income data shall be as established by the U.S. Department of Commerce, Bureau of Economic Analysis.

(c) The unemployment rate (not seasonally adjusted) for the municipality was at least 1% higher than the corresponding national unemployment rate for the most recent Calendar Year or for the most recent three month period ending March 31, June 30, September 30, or December 31. Data shall be as established by the Florida Department of Labor and Employment Security.

(d) The community is not a remote area within the corporate boundaries of a larger city.

(e) The community lacks centralized wastewater treatment or collection systems or needs improvements to on-site wastewater treatment systems.

(18) "Secretary" means the Secretary of the Department of Environmental Protection."

(19) "Target date" means the anticipated date for a grant agreement for any part of the amount listed on the fundable portion of the priority list to be ready for the Department's execution.

(18)(20) "Wastewater planning documentation facilities plan" means plans and studies formally adopted by the project sponsor that directly relate to selecting facilities for a wastewater management system. The requirements for a wastewater planning documentation facilities plan are set forth under subsection Rule 62-505.700(2), F.A.C.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History--New 11-30-98, Amended 7-22-99.

(Substantial rewording of Rule 62-505.300. See Florida Administrative Code for present text.)

62-505.300 General Program Information.

(1) Projects shall compete separately for preconstruction and construction phases of a project. Getting a preconstruction grant does not guarantee construction grant funding.

(2) Grant funding is available for projects with and without a State Revolving Fund loan. The grant amount is a percentage of the project cost remaining after financial assistance from other sources has been deducted and is subject to the limitations in Rule 62-505.350, F.A.C.

(3) Steps involved in obtaining a small community wastewater facilities grant:

(a) Request for inclusion. The project sponsor shall submit to the Department a request for inclusion form to establish project ranking as outlined in Rule 62-505.600, F.A.C. A request for inclusion shall be submitted separately for both the preconstruction and the construction phases of a project.

1. Requests for inclusion shall be reviewed to verify eligibility and accuracy of the information provided such as census tract numbers, service area boundaries, population, priority categories, project costs, justification, and to determine the project scope and grant assistance eligibility.

2. Additional information shall be requested by the Department when the data provided by the project sponsor are incomplete or unclear. Requests for inclusion remaining incomplete or unclear after September 1 shall result in a minimum priority score for the project.

(b) The Department shall notify the project sponsor if the project qualifies for grant assistance, and if so, what the estimated grant percentage will be.

(c) The project sponsor shall notify the Department of its intentions with regards to proceeding with the project.

(d) If the project sponsor elects to proceed with the grant, the project shall compete for funding at the next hearing based on priority score.

(e) Application.

1. A complete grant application shall be submitted to the Department within 120 days after the project has been added to the priority list. The project sponsor may incorporate into the application by reference any information previously submitted to the Department.

2. If no application is received within this 120-day period, the project shall be subject to removal from the grant priority list.

(f) Agreement. If an agreement is not executed within 210 days after a project is added to the priority list, the project is subject to removal from the priority list at the next scheduled public hearing.

1. For projects with a State Revolving Fund loan component, the amount of the grant and the terms of the loan repayment shall be incorporated into the project sponsor's loan agreement.

2. For projects without a State Revolving Fund loan component, a stand-alone grant agreement shall be written.

(4) Allowable project costs. Categories of allowable project costs include the following water pollution control activities:

(a) Land that will be used for the ultimate disposal of wastewater or residuals. Funding shall be limited to the fair market value based on the lowest value of two appraisals.

(b) Project construction and related procurement, the contracts for which are executed after a grant is made. For projects without a State Revolving Fund component, the lower

of the as-bid construction costs or final construction costs shall be used in determining the maximum grant amount under Rule 62-505.350, F.A.C.

(c) Demolition and removal of existing structures.

(d) Contingency for project cost overruns.

(e) Legal and technical services after bid opening, or receipt of proposals for design/build or construction-manager-at-risk projects.

(f) Allowable costs for which the sponsor has received prior written authorization from the Department.

(g) Allowance under subsection 62-503.300(5), F.A.C.

(h) Interest included in State Revolving Fund loan repayments.

(i) Department-approved technical services for specialized field studies and tests such as soil and hydrogeological tests, geotechnical evaluations, sewer system evaluations, surveys, wetland delineations, environmental impact statements, and appraisals for eligible land. Projects without a State Revolving Fund loan component shall be limited to 50% of the invoiced costs.

(j) For projects without a State Revolving Fund loan component, invoiced project planning and engineering costs that do not exceed: (25.00 – Natural Logarithm of construction costs) times the construction costs divided by 100.

(k) Service fees included in State Revolving Fund loan repayments.

(l) Costs incurred before execution of a grant agreement shall be ineligible for reimbursement upon execution of the agreement unless the project sponsor receives prior written authorization to incur such costs. The Department shall issue an authorization to incur costs only after the requirements of Rules 62-505.700 (except for land purchase) and 62-505.750, F.A.C., have been met.

(5) Unallowable project costs. Unallowable project costs include the following:

(a) Acquiring all or part of existing wastewater management facilities.

(b) Facilities not in conformance with Department-approved planning documentation, under Rules 62-505.700 and 62-505.750, F.A.C.

(c) Facilities not included within the approved project scope as described in a grant agreement.

(d) Construction using personnel employed by the project sponsor or construction performed by a Construction-Manager-at-Risk.

(e) Costs, such as for pending construction claims, yet to be incurred at the time of the on-site administrative action taken by the Department to document project completion.

(f) Site acquisition of sewer rights-of-way, sewage treatment plant sites, sanitary landfills, and residuals disposal areas.

(g) That part of any project primarily intended to serve future growth.

(h) Costs reimbursed by other grants.

(i) Any other cost not listed as allowable under subsection (4), above.

(6) Project contingency. The amount of the project contingency, at the time of approval of a grant amendment providing funding for post-allowance project activities, shall not exceed 10% of the estimated sum of the costs for allowable land (when the actual costs are unknown), equipment contracts, materials contracts, and construction contracts. The contingency will be adjusted by the Department to not more than 5% of construction, equipment, and materials contract amounts after procurement contracts have been executed. The contingency remaining after accounting for contract change orders will be retained by the Department when project close-out occurs. Contingency funds will not be used to purchase equipment or pay for construction work not described in the grant agreement. There will be no contingency for land when the costs are known and, for projects without a State Revolving Fund loan, after procurement contracts have been executed.

(7) Program Administration. The Department is authorized to use up to 2% of the grant allocation assessment funds made available each year to pay for the costs of program administration. Such grant allocation assessment funds will be deposited in the Department's Grants and Donations Trust Fund and, together with all investment earnings, will be reserved to pay for the Department's grant program administration expenses.

(8) Binding Commitments. A project sponsor shall obtain, within 180 days of grant agreement execution, a binding commitment for the non-grant share of the project costs described in, and to be incurred under, the grant agreement if such funds are not available at the time of grant application. No grant disbursements shall be made before the non-grant share has been secured.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.804, 403.1835, 403.1838 FS. History--New 11-30-98, Amended 7-22-99.

62-505.350 Financially Disadvantaged Small Community Grant Funding.

~~A grant shall be available only after a listing on the fundable portion of the priority list has been obtained, a complete grant application has been submitted to the Department, and a grant agreement has been executed. The initial grant agreement shall provide funding only for pre-construction activities. A grant shall be available only when funding for post-allowance project activities is projected to be available within three (3) years of the potential grant offer. Projections shall be based upon expected grant allocation assessments resulting from loans executed after June 30, 1997 under rule Chapters 62-503~~

~~and 62-504, F.A.C. A grant amendment shall be used to provide the funding commitment for post-allowance project activities only after completion of the pre-construction activities.~~

~~(1) A project sponsor shall be allowed to have only one Small Community Wastewater Construction Grant in the preconstruction or construction phase at a time. A grant for pre-construction activities shall not exceed the sum of the allowances under Rule 62-505.420, F.A.C., based on the estimated post-allowance project costs.~~

~~(2) If program funding from sources other than grant allocation assessments becomes available, it shall be used to pay the grant portion of projects. Grant recipients shall prepare and submit the following to the Department, no later than the time set forth in the grant agreement:~~

~~(a) Wastewater facilities plan.~~

~~(b) Evidence that the results of the Department's environmental review have been published, under subsection 62-505.700(3), F.A.C., and environmental concerns, if any, identified during the 30-day comment period have been resolved.~~

~~(c) Affirmation of availability of all project sites for the purposes of construction, operation, and maintenance over the useful life of the facilities;~~

~~(d) A value engineering report for operationally related project facilities, the post-allowance project costs of which are valued at more than \$5,000,000.~~

~~(e) Biddable plans and specifications consistent with the selected alternative described in the wastewater facilities plan.~~

~~(3) Preconstruction grants. Preconstruction grants shall be limited to: (25.00 – Natural Logarithm of construction costs) times the construction costs divided by 1,000 plus 50% of the costs of Department-approved special studies that are needed to determine project planning parameters. Up to 50% of the preconstruction grant shall be available for disbursement after a grant agreement is signed. After all planning documentation is accepted by the Department, the remainder of the preconstruction grant shall be available for disbursement. Construction costs shall be limited to a maximum of \$10,000,000 in calculating the preconstruction grant amount. All costs shall be invoiced. Grant agreements shall provide for amendment to include post-allowance project cost funding not to exceed the amount identified in the grant application. The conditions stated in subsection (2) above and in subsection 62-505.700(6), F.A.C., shall be met before grant agreement amendment. Such amendments shall be subject to the following limitations:~~

~~(a) Funding shall not exceed 85% of the estimated post-allowance project costs when the per capita income is less than or equal to 80% of the statewide average.~~

~~(b) Funding shall not exceed 65% of the estimated post-allowance project costs when the per capita income is greater than 80% but less than 100% of the statewide average.~~

(c) ~~The maximum grant available to any financially disadvantaged small community in any fiscal year shall be the lesser of \$750,000 or 50% of the total grant allocation assessments for that year. The additional funding of a project qualifying for a grant in excess of the amount available from the Department shall be deferred and scheduled for funding in the immediately succeeding year(s). Such scheduling shall continue until the project is fully funded and shall not require further prioritization on the project list unless funding for cost overruns is requested.~~

(d) ~~Grant amendments shall be available only for projects entitled to a priority under Rule 62-505.650, F.A.C., that is at least as great as that which enabled the pre-construction funding. If conditions change, including qualification as a disadvantaged small community, or the need for facilities changes from the time that pre-construction funding is made available to the time that a grant amendment for the post allowance project cost is requested, the original grant agreement commitment for a grant amendment shall be terminated. Upon termination, the financially disadvantaged small community may reapply for funding consideration under rule 62-505.600 or 62-505.680, F.A.C.~~

(4) Construction grants. The amount of funds available to a project sponsor shall be determined by multiplying the construction grant percentage as determined in subsection (5) below, by the project costs. Funds shall be limited to no more than \$500,000 annually and shall be limited to a maximum project cost amount of \$10,000,000. Disbursements to the project sponsor shall be for allowances for pre-construction activities, and, after amendment, for post-allowance project cost incurred. Requests for disbursements shall be accompanied by certifications and itemized summaries of the materials, labor, or services to identify the nature of the work performed unless the disbursement is solely for allowances as follows:

(a) For projects with a State Revolving Fund loan component, the amount of a grant shall be estimated until the time of project close-out. The amount shall be fixed over the remaining loan repayment term. Certifications shall state that the construction or other service for which payment or reimbursement is sought has been performed in accordance with applicable contracts.

(b) For projects without a State Revolving Fund loan component, reimbursement of costs shall be as follows: The materials, labor, and services shall be part of the approved project.

1. When the grant percentage times the total eligible as-bid project costs is less than \$10,000,000, disbursements shall be the grant percentage times the eligible invoiced project costs.

2. When the grant percentage times the total eligible as-bid project costs is greater than \$10,000,000, disbursements shall be \$10,000,000 divided by the total eligible as-bid costs times the eligible invoiced project costs.

3. Reimbursement for planning, special studies and engineering costs shall be based on invoiced costs. Up to seventy percent of these costs shall be available after a construction grant agreement is signed. The remainder of the invoiced costs may be requested after all procurement contracts are executed and the allowable amount is adjusted to reflect as-bid costs. Design-build projects shall be limited to 30% of these costs.

4. The amount of the grant remaining after construction is complete shall be disbursed in equal semi-annual payments over a 20-year period beginning in the fiscal year after the fiscal year in which the project is closed out.

(c) ~~Requests for disbursements for allowances shall be subject to the limitations imposed by Rule 62-505.420, F.A.C.~~

(d) ~~The disbursement shall be due under the terms of the grant agreement, and there shall be money available under the grant agreement for the payment of it.~~

(5) Construction grant percentage. The grant percentage shall initially be based on the estimated project costs. The final grant percentage shall be based on as-bid eligible construction costs. Construction grant percentage (CGP) shall be determined using the formula:

CGP = 0.67(200-Affordability Index) times the weighted average of the Base Factors (BF) shown in Table 1, below, as determined by the following formula where CC means "construction costs":

$$BF = \frac{BF_1 \times CC_1 + \dots + BF_n \times CC_n}{\text{Total CC}}$$

Table 1.

<u>Project Category</u>	<u>Base% Factor (BF)</u>	<u>Base Priority Score (BPS)</u>
<u>Eliminate certified and documented public health hazards</u>	<u>1.00</u>	<u>500</u>
<u>DEP-ordered upgrade/rehab of existing treatment plant that is out of compliance with permit (excludes additional capacity)</u>	<u>1.00</u>	<u>500</u>
<u>Eliminate excessive infiltration/inflow</u>	<u>1.00</u>	<u>500</u>
<u>Eliminate failing individual onsite sewerage disposal systems where greater than or equal to 10.0% failed in last three years</u>	<u>0.75</u>	<u>400</u>
<u>Compliance with laws requiring elimination of discharges to specific water bodies</u>	<u>0.75</u>	<u>400</u>
<u>Upgrade and rehab wastewater facilities</u>	<u>0.50</u>	<u>300</u>

<u>Additional treatment necessary to meet new regulatory requirements</u>	<u>0.50</u>	<u>300</u>
<u>Eliminate failing individual onsite sewerage disposal systems where less than 10.0% failed in last three years</u>	<u>0.50</u>	<u>300</u>
<u>Reclaimed water projects that do not eliminate a discharge that is in violation of permit requirements</u>	<u>0.50</u>	<u>300</u>
<u>Additional capacity for average daily flow greater than 70% of design capacity</u>	<u>0.25</u>	<u>200</u>
<u>Residuals management</u>	<u>0.25</u>	<u>100</u>
<u>Projects not otherwise categorized</u>	<u>0.25</u>	<u>100</u>

~~(6)(5) Assurance of compliance.~~ The project sponsor shall provide assurance that:

(a) through (c) No change.

~~(d) The revenue generation system will be updated annually.~~

~~(6) Grant increases for post allowance project cost overruns shall be possible only after placement on the project list under rule 62-505.655 or 62-505.680, F.A.C.~~

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History—New 11-30-98, Amended.

62-505.360 Rural Hardship Community Grant Funding.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History—New 11-30-98, Repealed.

62-505.420 Project Allowances.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History—New 11-30-98, Repealed.

62-505.600 Priority List Information.

~~Each year, a revised priority list shall be adopted at a public hearing held by the Environmental Regulation Commission. The list becomes effective after adoption, but not before July 1 of the fiscal year for which it is developed. A project sponsor may define a wastewater facilities project as consisting of various facilities, all of which qualify under Rule 62-505.655, F.A.C., for the fundable or contingency portion. The scope of a fundable portion project described on the priority list shall not be increased to encompass additional work. The scope of a contingency portion project described on the priority list shall not be increased to encompass additional work except where such increases have been subject to the prioritization procedures of Rule 62-505.650, F.A.C., and either the list development procedures of this rule section or the list management procedures of Rule 62-505.680, F.A.C., as appropriate. The scope of project planning shall encompass all of the community's wastewater facilities needs through the~~

~~planning period established under Rule 62-505.700(2)(e), F.A.C. The project sponsor may elect to implement any portion of planned facilities.~~

(1) General. The Department shall assign projects to the grant priority list each year depending on the amount of the funding projected to be available, the project's priority score, and the project's readiness to proceed. The Department shall accept requests for inclusion on the next year's priority list when they are postmarked or delivered between December 1 and February 15. Resubmittal shall not be necessary if the requested project was included on a preceding year's list. However, current target date and estimated cost information shall be provided by the February 15 deadline for any project previously listed on the contingency portion to qualify for listing on the fundable portion. Procedures for the review of requests for inclusion shall be:

(a) A priority list of grant fundable projects shall be developed by the Department after September 1 for the fiscal year for which the list will be in effect. Construction projects shall be given priority over preconstruction projects for non-reserved funds. Additional information may be requested by the Department when the data provided by the project sponsor are incomplete or unclear. Data remaining incomplete or unclear after 30 days from receipt of the Department's written request for additional information shall result in a lower funding priority, reflecting a substitution of assumed data for the incomplete or unclear data. The assumed data shall be such as to generate the minimum priority score component or consideration attributed to the incomplete or unclear data.

(b) After the ranking of projects, the proposed priority list shall be posted on the Department's website not later than 14 days before the list adoption hearing to be held under this chapter and shall be mailed to anyone who submits a written request to the Department. The amount of funds available to a financially disadvantaged small community for a project to be listed on the fundable portion shall be limited as set forth under rule 62-505.350(3), F.A.C.

(c) The priority list shall be adopted at a public hearing held by the Department. The annual hearing shall be held on the second Wednesday of October. If additional hearings are necessary, they shall be held on the second Wednesday in January, April, or July. A target date shall be assigned to each project. Projects to be scheduled for construction funding in the fiscal year for which the list is being developed shall have target dates no later than March 31 of that fiscal year.

(d) The list shall become effective immediately after adoption. A priority determination under Rule 62-505.650, F.A.C., shall be made for each project.

(e) Fifteen percent to thirty percent of the unobligated grant funds projected to be available in each fiscal year shall be reserved for preconstruction grants. When the funds remaining

will not cover the total amount of the next highest ranked preconstruction grant project the remaining funds shall be allotted to construction projects.

(f) Reserved funds that are not used for preconstruction grants shall be available for assignment to construction projects.

(g) When a project sponsor has completed the requirements of Rules 62-505.700 and .750, F.A.C., the project shall be eligible to compete for construction grant funding.

(h) Funds that will not cover the amount of the annual grant allocation for the next highest ranked construction grant project shall be allocated at a subsequent priority list hearing.

(2) Priority score determination. Eligible projects shall be given priority according to the extent each project is intended to remove, mitigate, or prevent adverse effects on surface or ground water quality and public health. The final priority score, calculated to the nearest one-tenth (0.1), for each project shall be the weighted average as defined in paragraph (a), below, of the applicable base priority scores shown in Table 1, multiplied by 1.2 if the pollution control is directly related to an impaired water body on the state's adopted verified list of impaired waters, multiplied by a cost-to-benefit index as defined in paragraph (b), below, and then increased for severe economic hardship as defined in paragraph (c), below, if applicable. After the ranking of projects under Rule 62-505.655, F.A.C., and before June 1 preceding the fiscal year for which the list will be in effect, a proposed list shall be established. The proposed list shall be mailed by the Department, not later than 14 days prior to the list adoption hearing to be held under this rule section, to all project sponsors that have submitted a request for inclusion on the proposed list and shall be made available to anyone who submits a written request, at least 14 days before the scheduled list adoption, to the Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-2400.

(a) Weighted average base priority score. The weighted average base priority score (BPS) shall be determined using the following formula where CC means "construction costs":

$$\text{BPS} = \frac{\text{BPS}_1 \times \text{CC}_1 + \dots + \text{BPS}_n \times \text{CC}_n}{\text{Total CC}}$$

(b) Cost-to-benefit index. The relative costs of achieving public health and water quality benefits shall be reflected in the priority score. The ratio of the total cost for each project to the weighted average base score (benefit) for that project shall be computed. The cost data used shall be expressed in units of one-thousand dollars (e.g., \$1,000,000 shall become \$1,000 for purposes of determining the cost-to-benefit index). The benefit ratio shall be indexed at not less than 1.0000 nor greater than 1.2000. The cost-to-benefit index (multiplier) for a specific project shall be established to the nearest 0.0001 value as follows:

$$1.20 - 0.021 \times \text{Natural Logarithm of (Project Cost to Benefit Ratio)}$$

(c) Economic hardship. The extent of the economic hardship existing in a small community to be served by the project shall be reflected in the priority score. Ten points will be added to the priority score, after adjustment under paragraphs (a) and (b), above, when the small community's affordability index is less than 70.

(3) Getting on the list.

(a) The Department shall accept requests for inclusion on Form 62-505.900(1), on the next year's priority list when they are postmarked or delivered before July 1. A separate request for inclusion is required and a separate priority determination shall be made for each phase (preconstruction and construction) of a sponsor's project.

(b) Projects for which a request for inclusion is submitted on or after July 1 and that have retained eligibility shall be eligible to compete for grant funding at the first hearing in the following fiscal year.

(c) Projects that have started construction and have not received an authorization to incur costs shall be ineligible to compete for grant funding at subsequent hearings.

(d) The sponsor shall have postmarked or delivered to the Department all required documentation on or before the first day of the month preceding a priority list public hearing.

1. For a preconstruction project, if a request for inclusion remains incomplete after the above date, that project shall receive the minimum priority score.

2. For a construction project, documentation required under Rules 62-505.700 and .750, F.A.C., shall be complete by the above date or that project shall not be considered for funding.

(e) A public hearing shall be held to add projects to the priority list.

(4) Removal from priority list. Projects shall be removed from a priority list upon request of the project sponsor or if the project sponsor fails to comply with the provisions of this chapter. If a project is removed from the priority list, the deobligated funds shall be allocated at a subsequent priority list hearing.

(5) The scope of a preconstruction project described on the priority list shall not be increased to encompass additional work except where such increases have been subject to the list development procedures of Rule 62-505.600, F.A.C.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.804, 403.1835, 403.1838 FS. History—New 11-30-98, Amended _____.

62-505.650 Priority Determination.

Specific Authority 403.1835(7), 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History—New 11-30-98, Amended 7-22-99, Repealed _____.

62-505.655 Ranking Projects for Priority List Development.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838, 403.804 FS. History--New 11-30-98, Repealed.

62-505.680 Priority List Management.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.804, 403.1835, 403.1838 FS. History--New 11-30-98, Repealed.

62-505.700 Planning, Design, Construction, and Procurement ~~Post-construction~~ Requirements.

The requirements of subsections (1) through (6) below, where applicable, shall be met for all projects.

(1) Planning. Projects shall be subject to the environmental, social, and economic requirements identified in the grant application form 62-505.900(2). Project planning documentation shall include the following:

(a) Sufficient illustrative detail of the local area to identify where the project or activity would be located, including identification of the planning area, the existing service area, and future project service areas. Landmarks and other readily identifiable features shall be noted.

(b) A description of the recommended facilities, estimated capital costs, and estimated operation and maintenance costs. Costs shall be broken down into project categories to the maximum extent possible.

(c) Cost-effectiveness of feasible alternatives, including regionalization of facilities.

1. Consideration must be given to capital costs and operation and maintenance costs over the useful life of the facilities based on a discount rate projected to be in effect during a planning period of not less than five years.

2. Grant funds shall be available for no more than the amount of the cost-effective alternative.

(d) The need or justification for the project or activity and the environmental and economic impacts and benefits of the project.

(e) Resolution of comments received by the Florida State Clearinghouse during its intergovernmental review of the project.

(f) The public participation process used to explain the project and the financial impacts to affected parties shall include the project sponsor's public meeting held before the project sponsor's acceptance of the planning recommendations. The public meeting shall provide for public participation in the evaluation of project alternatives. Notice of the public meeting shall be in accordance with local requirements.

(g) A new request for inclusion to include the schedule, scope, and costs for implementing the recommended facilities or activities and any changes to the census tracts to account for project changes.

(h) An adopting resolution or other action establishing a commitment to implement the planning recommendations.

(i) A revenue generation system that shall include the user charge system and user charge ordinance or other enforceable schedule for charges, rates, fees, and other collections associated with the revenues that will be dedicated to producing adequate revenue for debt service and operation and maintenance of the wastewater management system. This shall include revenues for replacement of equipment, accessories, and appurtenances necessary to maintain the system design capacity and performance during its design life. The user charge system shall be designed to make the wastewater management system financially self-sufficient.

1. The revenue generation system shall be updated at least annually, and may be updated as necessary to reflect changing conditions, but it shall remain in effect in conformance with this chapter.

2. The project sponsor shall certify annually, if grant funds are received during a given year, that it has updated its revenue generation system in conformance with this chapter.

3. The rate structure of the revenue generation system shall be implemented with a phased schedule, if necessary, at least six months before the first State Revolving Fund loan repayment is due and for projects without a State Revolving Fund loan, before the project is administratively closed out.

(2) Environmental Review. The Department shall perform an environmental review under Rule 62-505.750, F.A.C., for each project to be funded. A wastewater facilities plan shall include documentation of the following:

(a) Identification of the planning area and the existing service area and future project service areas.

(b) Demographic, geologic, topographic, hydrogeologic, and institutional characteristics of the study area impacting the evaluation of alternatives.

(c) Cost effectiveness of feasible alternatives, including regionalization of facilities, considering capital costs and operation and maintenance costs over the useful life of the facilities based on a discount rate projected to be in effect during a planning period of not less than five (5) years.

(d) The value of potable water resources conserved as a result of reclaimed water reuse alternatives (such as agricultural or landscape irrigation) shall be addressed in facilities plans for projects involving wastewater treatment, disposal, or reuse.

(e) Implementability of the selected facilities from legal, institutional, financial, technical, and management perspectives.

(f) Environmental effects and other non-monetary considerations, if any, associated with the selected facilities.

(g) Identification of the collection, transmission, treatment, reuse, and disposal problems associated with the wastewater system and the local physical conditions associated with those problems.

(h) Identification of the facilities needed to comply with wastewater treatment plant discharge permits issued by the Department and identification of the facilities needed throughout the future project service area over a planning period of not less than five (5) years.

(i) Public participation process carried out by the project sponsor. The project sponsor shall hold a public hearing before adoption of its wastewater facilities plan. The purpose of the hearing shall be to enable public participation in the final evaluation of project alternatives. The project sponsor shall include a complete record of the hearing in the wastewater facilities plan.

(j) Capital improvements financing information addressing the following for projects to be funded with grants:

1. All capital improvements to the wastewater management system, including those to be financed using any type of debt instrument, that will be implemented over a period of five (5) years beginning with the year after the project has been constructed and is in operation.

2. Proposed system of charges, rates, fees, and other collections that will generate the revenues that will be dedicated to making the wastewater management system financially self sufficient.

3. Proposed rate ordinance or other enforceable schedule for charges, rates, fees, and other collections associated with the revenues that will be dedicated to making the wastewater management system financially self sufficient.

4. Wastewater management system operating and non-operating expenses and revenues for the most recent audited operating year and projected to be in effect for the first full year after the project has been constructed and is in operation.

(k) Affirmation that the selected facilities are not inconsistent with local comprehensive plans.

(l) Responses generated by a multi-disciplined intergovernmental review, if applicable.

(m) Executed and fully implementable contractual agreements whenever facilities or services beyond the project sponsor's jurisdiction are involved.

(n) For projects where the cost effectiveness of the recommended facilities is determined by flow rate or capacity, the following shall be addressed:

1. Flow reduction methods unless the estimated average per capita discharge to the sewer system is less than 70 gallons per day.

2. Cost effectiveness of reducing infiltration and inflow if the rainfall induced inflow results in chronic operational problems or rainfall-induced inflow exceeds 275 gallons per day per capita during storm events or the flow rate exceeds 120 gallons per day per capita during periods of high groundwater.

(o) For projects where the cost effectiveness of recommended facilities is determined by the level to which wastewater or residuals is treated, the alternative of improving operation and maintenance shall be considered.

(p) A description of the recommended facilities, preliminary design parameters, estimated capital costs, and estimated operation and maintenance costs.

(q) The schedule for constructing the recommended facilities.

(3) Plans and specifications. The project sponsor shall submit biddable plans and specifications conforming to the planning documentation for projects involving construction. For design/build projects the sponsor shall submit a copy of the request for qualifications, request for proposals, and the preliminary design report submitted for permitting. Final permitted plans and specifications shall be submitted for each component of a design/build project when complete. The Department shall perform an environmental review under Rule 62-505.750, F.A.C., for each project to be funded. The environmental review shall establish the environmental significance of a proposed project and whether the planning of the project meets the requirements of this rule. The environmental review also shall establish the Department's intention to make funding available for a project after the project sponsor has met the applicable requirements of this rule. A notice of availability to announce the results of the Department's environmental review shall be published in the Florida Administrative Weekly. The notice of availability shall include instructions about the procedures for accessing the project information and the Department's findings. The Department shall provide a 30 day period, commencing as of the date of the notice of availability, for public comment about the environmental impacts of proposed projects. Written comments from the public shall be postmarked or delivered, within the 30-day comment period, to the Department of Environmental Protection, Bureau of Water Facilities Funding, 2600 Blair Stone Road, MS 3505, Tallahassee, Florida 32399-2400.

(b) The findings, conclusions, and recommendations of a previous EPA and Department environmental review issued within five (5) years prior to a potential offer of financial assistance shall have met the requirements of this subsection. The findings, conclusions, and recommendations of a previous EPA and Department environmental review must be reaffirmed, under subsection (f) below, if five (5) years or more have elapsed between the time of issue and a potential offer of financial assistance. The Department shall consult with project sponsors during the preparation of facilities plans to assist in

the preparation of environmental information. The project sponsor shall document cultural, historical, archaeological, biological, and fiscal aspects of a project during the facilities planning process. When necessary, conditions shall be placed on a grant agreement to enhance the compatibility of the project with the existing environment. The Department shall document the results of its environmental reviews as described in paragraphs (c) through (f) below. When an environmental review document is amended in lieu of issuing a new document to reflect proposed project changes that potentially have environmental impacts, the same basic procedures as were used to produce the original document shall be used. (a) When an environmental review is performed for a component or portion of the planned wastewater management system in advance of completing the review for the entire system of facilities, the environmental review process is partitioned. A partitioned environmental review, if requested by the project sponsor, shall be performed only if all the following conditions are met: The component will immediately remedy a public health, water quality, or other environmental problem, or advance completion will achieve a demonstrable cost savings; all environmentally sound, implementable alternatives for the overall wastewater management system of which the component is a part have been identified, and the component does not foreclose any of the alternatives; and the component will not cause adverse environmental impacts, including impacts that will be minimized or eliminated only by completing the entire system. However, partitioning shall not imply further approvals for the remainder of the wastewater management system, and the environmental review for the remainder of the facilities shall conform to the applicable requirements of this subsection.

(c) A Florida Categorical Exclusion Notice (FCEN) shall be used for certain projects that are not expected to generate controversy over potential environmental effects. An FCEN shall not be used if there are environmental objections to a project at the public hearing held, under paragraph (2)(i) above, provided that such objections have a basis in statute, rule, or ordinance. An FCEN shall not be used if a project will result in the inability of existing facilities to meet permit criteria, result in unpermitted discharges, or provide capacity to service previously undisturbed areas such that more than 30% of the total design population for the project is attributed to the undisturbed areas.

1. In issuing an FCEN, the Department shall proceed as follows:

a. Briefly describe the project, the justification for the categorical exclusion, and the proposed grant funding.

b. Conclude the environmental review only after the 30-day public comment period, under subsection (3) above, has expired and no information is received about adverse environmental impacts; information is received about adverse environmental impacts and the objections either are without a

basis in statute, rule, or ordinance or are resolved; or information is received about adverse environmental impacts and the FCEN is rescinded.

2. Projects categorically excluded from further environmental review are as follows:

a. Rehabilitation of existing facilities or replacement of structures, materials or equipment;

b. Facilities that will not result in more than an additional 100,000 gallons per day flow or, alternatively, not more than a ten percent increase in daily flow at an existing treatment plant and, under either alternative, neither the discharge point nor the pollutant concentration limits will be changed from existing permitted conditions and acquisition of land is not involved;

c. Facilities for unsewered communities that involve self-contained individual or cluster systems providing both treatment and disposal of wastewater near the buildings from which the wastewater is to be discharged;

d. Additions to sewer systems in areas where streets have been established, underground utilities installed, or building sites excavated; and

e. Reclaimed water reuse facilities in areas where streets have been established, underground utilities installed, or building sites excavated if the treatment level enables unrestricted public access.

(d) A Florida Finding of No Significant Impact (FFONSI) shall be used for a project not categorically excluded from a detailed environmental review and not requiring a Florida Environmental Impact Statement. In issuing a FFONSI, the Department shall proceed as follows:

1. Record the basis for the decision to provide financial assistance for the project, addressing the following:

a. The existing and future environmental conditions without the project and the environmental consequences of the project;

b. The purpose of, and the need for, the project;

c. The alternatives to, and the cost-effectiveness of, the project;

d. Environmental enhancement measures to be implemented;

e. The public participation process;

f. The interdisciplinary review of the project; and

g. Compliance with rules of the Department.

2. Consider public comments about environmental impacts of a project if the comments are received within 30 days after the publication date of the notice of availability under subsection (3) above.

3. Conclude the environmental review for the project only after the 30-day comment period has expired and any of the following situations results:

a. No information is received about previously unconsidered adverse environmental impacts;

b. Information is received about previously unconsidered adverse environmental impacts and the objections are resolved; or

e. A re-evaluation of the project is made as a result of the comments and the Department takes action to confirm the original decision, require additional analysis and environmental enhancement measures before implementing the project, or rescind the original decision.

(e) A Florida Environmental Impact Statement (FEIS) and a Florida Record of Decision (FROD) shall be used for a project for which there is an adverse direct, or indirect, impact on land use and population patterns, the quality of the environment, cultural or environmental resource areas, or the habitats of endangered or threatened species. An FEIS and FROD also shall be used when there is unresolved public controversy over the environmental impacts of a project provided that the objections to the project have a basis in statute, rule, or ordinance. An FEIS shall be prepared by the Department or, at the direction of the Department and in accordance with the Consultants' Competitive Negotiation Act, Section 287.055 of the Florida Statutes, by others with no conflicting interest in the outcome. In completing the environmental review, the Department shall proceed as follows:

1. Issue a notice of intent to prepare an FEIS for the project;
2. Develop a plan of study and convene a meeting of government, including EPA, and other interested parties to determine the scope of the FEIS;
3. Identify and evaluate project alternatives;
4. Provide for public participation and review by federal and state environmental regulatory agencies;
5. Ensure that adverse impacts of the project are minimized or eliminated;
6. Document the findings of the environmental review using both the FROD and FEIS;
7. Announce the funding eligibilities using a FROD and consider public comments about environmental impacts if received during the 30 day period beginning on the date of publication of the notice of availability under subsection (3) above; and
8. Conclude the environmental review only after a 30-day public comment period has expired without receipt of comments about adverse environmental impacts or if, after receipt of such comments, the Secretary takes one of the following actions:
 - a. Confirms the original decision;
 - b. Requires additional analysis and environmental enhancement as a condition of confirmation of the original decision; or
 - c. Rescinds the original decision.

(f) A Florida Reaffirmation Notice (FRAN) shall be used to establish the Department's continuing intention to make funds available for unimplemented projects, the planning for which was previously documented as accepted by the Department in a FCEN, FFONSI, FROD, or analogous documents issued by EPA, or amendments to any of the foregoing. In issuing a FRAN, the Department shall proceed as follows:

1. State the findings being reaffirmed.
2. Consider public comments about changed conditions altering the environmental impacts since the previous FCEN, FFONSI, FROD, or analogous documents issued by EPA, or amendments to any of the foregoing. Comments shall be considered if received during the 30 day period beginning on the date of publication of the notice of availability of the FRAN under subsection (3) above.
3. Conclude the environmental review only after the public comment period has expired and one of the following situations results:
 - a. No information is received about changed conditions resulting in adverse environmental impacts;
 - b. Information is received about previously unconsidered adverse environmental impacts or about changed conditions altering the environmental impacts and the objections are resolved; or
 - c. Information is received about adverse environmental impacts and the FRAN is rescinded.
- (4) Site Certification. The project sponsor shall certify that all sites necessary for the construction, operation, and maintenance of the project, or to otherwise carry out project activities over the useful life of the project, are available. Biddable Plans and specifications shall be complete enough to be distributed for competitive bidding. Plans and specifications shall be in conformance with the facilities plan.
- (5) A value engineering report shall be prepared for operationally related project facilities, the construction of which is valued at more than \$5,000,000.
- (5)(6) Permit. The project sponsor shall submit evidence that one or more of the following permitting related conditions shall be demonstrated to exist for the project:
 - (a) No change.
 - (b) The Department has issued other authorization for project construction (includes design/build); or
 - (c) The Department has determined that its authorization is not required prior to construction; or
 - (d) An intent to issue a permit for construction under Part IV, Chapter 373, F.S., has been established.
 - (6) Procurement (Reference: 40 CFR 31.36). When procuring property and services under a Small Community Wastewater Facilities Grant, a project sponsor shall follow the policies and procedures it uses for procurements from its non-grant funds provided that the procurement conforms to applicable federal, state, and local laws and regulations. Grant

recipients shall submit procurement documentation to the Department for pre-award review. Methods of procurement include small purchase procedures, formal advertising, and competitive or non-competitive proposals. All procurement transactions shall be conducted in a manner providing full and open competition.

(a) Small purchase procurement. For small purchases that do not cost more than \$100,000, price or rate quotations shall be obtained from a minimum of two qualified sources.

(b) Formal advertising. Requirements for the formal advertised competitive bidding method of procurement shall be as follows:

1. All solicitations shall incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured. Bid documents shall break out project categories to the maximum extent possible.

a. Such description shall not contain features that unduly restrict competition.

b. The description shall include a statement of the qualitative nature of the materials, products, or services to be procured, and when necessary for the bid, shall set forth those minimum essential characteristics and standards to which they must conform to satisfy their intended use.

c. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equal" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand that must be met by offerors shall be clearly stated.

d. All requirements that the offerors must fulfill and all other factors to be used in evaluating bids or proposals shall be identified.

2. Project sponsors shall ensure that all prequalified lists of persons, firms, or products that are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition.

3. The invitation for bids shall be publicly advertised and bids shall be solicited from an adequate number of known suppliers to assure open competition, providing them sufficient time for bid submittal prior to the date set for opening the bids.

4. The invitation for bids, which shall include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond.

5. All bids shall be publicly opened at the time and place prescribed in the invitation for bids, and a firm-fixed-price contract (lump sum or unit price) awarded to the responsible bidder whose bid conforms to all the material terms and conditions of the invitation for bids.

6. Any or all bids may be rejected if there is a sound, documented reason.

7. Project changes after advertising for bids or other project proposals and before bid or proposal opening shall be made by addendum. Changes to executed contracts involving

construction shall be made by change order. The project sponsor shall submit all addenda and change orders to the Department. The Department shall perform an eligibility determination for each change order.

(c) Competitive proposals. Requirements for the competitive proposals method of procurement shall be as follows:

1. Proposals shall be solicited from a minimum of three sources to assure open competition. Sponsors shall request a waiver to this requirement for procurement when three sources are not available.

2. Grant recipients shall have a method for conducting technical evaluations of the proposals received and for selecting awardees.

3. Awards shall be made to the responsible firm whose proposal is most advantageous to the grant recipient, with price and other factors considered.

(d) Noncompetitive proposals. Requirements for the noncompetitive proposals method of procurement shall be as follows:

1. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

2. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals, and one of the following circumstances applies:

a. The item is available only from a single source;

b. The public exigency or emergency for the requirement shall not permit a delay resulting from competitive solicitation; or

c. After solicitation of a number of sources, competition is determined inadequate.

3. A cost analysis is required verifying the proposed cost data and an evaluation of the specific elements of costs and profits.

(7) Construction-manager-at-risk and design/build contracts: A certification of availability of all project sites necessary for the purposes of construction, operation, and maintenance over the useful life of the facilities shall be made.

(a) Requests for proposals shall be used in the selection process.

(b) The request for proposals shall describe the work eligible for a grant, the requirements with which the successful respondent shall comply, and the evaluation process to be used in selecting the successful respondent.

(c) Advertising shall include announcement in a publication having general circulation on a statewide basis, in a construction trade journal, a professional journal, or in the electronic plan room.

(d) The time allowed for development of proposals shall be commensurate with the complexity and extent of the work and with the extent of the conceptual documents provided with the request for proposals.

(e) Both the qualifications of the respondents and the price for completing the advertised work shall be considered in the selection process.

(f) The project sponsor shall demonstrate that the competition solicited is sufficient for the complexity and extent of the work.

(g) Requests for proposals shall be submitted to the Department prior to advertising for a determination of compliance with grant program requirements.

(8) ~~Contract responsibilities~~ Reasonable financial assurance shall be given that project construction will be completed. Such assurance may be in the form of a commitment to maintain adequate reserve funds dedicated throughout the construction period to ensuring project completion. Other forms of such reasonable assurance include requirements for contractors to provide performance and payment bonds under section 255.05, F.S., and insurance covering workers' compensation, comprehensive general liability, vehicle liability, and property damage to the extent that coverage is available for construction activities.

(a) Grant recipients shall maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(b) Grant recipients shall maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer, or agent of the grant recipient shall participate in selection, or in the award or administration of a contract supported by Small Community Wastewater Facilities Grant funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his immediate family, his or her partner, or an organization that employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grant recipient's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grant recipients may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grant recipient's officers, employees, or agents, or by contractors or their agents.

(c) Grant recipients are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(d) Grant recipients shall make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(e) Grant recipients shall maintain records sufficient to detail the significant history of procurement. These records shall include the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(f) Grant recipients alone shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements.

(g) Grant recipients shall retain all records for three years after final payments are made and all other pending matters are closed.

(h) For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the Department will accept the bonding policy and requirements of the grant recipient when the Department has made a determination that the Department's interest is adequately protected. If such a determination has not been made, the minimum requirements shall be as follows:

1. A bid guarantee from each bidder equivalent to five percent of the bid price. The bid guarantee shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder shall, upon acceptance of his bid, execute such contractual documents as may be required within the time specified.

2. A performance bond on the part of the contractor for 100 percent of the contract price. A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.

3. A payment bond on the part of the contractor for 100 percent of the contract price. A payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

(i) A grant recipient's contracts shall contain provisions for:

1. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms.

2. Such sanctions and penalties as may be appropriate.

3. Termination for cause and for convenience by the grant recipient including the manner by which it shall be effected and the basis for settlement.

4. Access by the grant recipient, the Department, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor that are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, or transcriptions.

5. Incorporating the Department's Supplementary Conditions into its bid or request for proposals documents. These conditions contain the following provisions:

a. Equal Employment Opportunity compliance;

b. Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act, section 508 of the Clean Water Act, and Executive Order 11738; and

c. Contracting with small and minority firms, women's business enterprise, and labor surplus area firms (if applicable).

(j) Procurement of professional service shall be in accordance with the Consultants Competitive Negotiations Act, Section 287.055, F.S. The project sponsor shall submit procurement documentation for approval by the Department for grants without a State Revolving Fund loan.

(9) Construction contractors shall be selected according to the competitive or noncompetitive negotiation procurement methods or the formal advertised competitive bidding method. Federal regulations referenced in this subsection shall be read so that the terms "United States," "federal," "EPA," and "officials of EPA" mean "the state" unless the context clearly indicates otherwise. Procurement requirements shall be as set forth in the following sections of 40 C.F.R. Part 33, Procurement Under Assistance Agreements (1995), incorporated herein by reference: 33.230(c) and (d) (except that the references to architects and engineers shall be interpreted to mean the offortory of technical services, the procurement of which is not subject to Chapter 287.055, F.S.); 33.255(e) (except that the salient requirements of the named brand need not be stated and the reference to 40 C.F.R. Part 35 is deleted); 33.305, 33.310, 33.315, 33.405, 33.410, 33.415, 33.420(a) through (d) and (f) (except for references to section 33.295 and Form 5720-4); 33.425, 33.430 (except that bid rejection shall be based solely on sound documented business reasons); 33.505, 33.510 (except for references to section 33.295 and Form 5720-4); 33.515, 33.520, and 33.605(a) through (c) as supplemented by the provision that noncompetitive negotiated procurement also shall be deemed justified when a material, product, or service provides for necessary interchangeability of parts and equipment or promotes innovative technologies.

(10) Project changes after advertising for bids and before bid opening shall be made by addendum to plans and specifications. Changes after bid opening shall be made by change order. The project sponsor shall submit all addenda and

change orders to the Department. The Department shall perform a determination of eligibility under Rule 62-505.300, F.A.C., to establish the justification for all change orders to construction contracts.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History--New 11-30-98, Amended _____.

62-505.750 Environmental Review.

(1) General.

(a) The Department shall perform an environmental review for each project to be funded. The environmental review shall establish the environmental significance of a proposed project and whether the planning of the project meets the requirements of this chapter. The environmental review also shall establish the Department's intention to make funding available for a project after the project sponsor has met the applicable requirements of this chapter. The results of the Department's environmental review for each project shall be issued as an environmental information document that shall be valid for five years from the date of issue. The environmental information documents are described in subsections (2) through (5) below. A notice of availability of an environmental information document shall be published in accordance with Department guidelines to announce the results of the Department's environmental review. The notice of availability shall include instructions about the procedures for accessing the project information and the Department's findings. The Department shall provide a 30-day period, commencing as of the date of the notice of availability, for public comment about the environmental impacts of proposed projects. Written comments from the public shall be considered by the Department before approving a project for funding if postmarked or delivered to the Department within the 30-day comment period.

(b) Review procedures, identical to those described in this subsection, shall be used when the Department amends an environmental information document to announce project changes that have potentially significant environmental impacts.

(2) Florida Categorical Exclusion Notice (FCEN). A FCEN shall be used for certain projects that are not expected to generate controversy over potential environmental effects. A FCEN shall not be used when there are documented environmental objections to a project before the local government adopted the planning recommendations provided that such objections have a basis in statute, regulation, or ordinance.

(a) In issuing a FCEN, the Department shall:

1. Briefly describe the project, the justification for the categorical exclusion, and the proposed grant funding;

2. Conclude the environmental review only after the 30-day public comment period, under subsection (1) above, has expired; and

a. No information is received about adverse environmental impacts;

b. Information is received about adverse environmental impacts and the objections either are without a basis in statute, regulation, or ordinance or the objections are resolved; or

c. Information is received about adverse environmental impacts, the FCEN is rescinded, and an environmental review is undertaken according to subsection (3) or (4) below.

(b) Projects potentially eligible for categorical exclusion are:

1. Rehabilitation of existing water pollution control system components or replacement of structures, materials, or equipment.

2. Water pollution control systems that do not change the existing discharge point or permitted pollutant concentration limits, and that do not involve acquisition of undisturbed land.

3. Water pollution control systems that serve less than 10,000 people in unsewered communities that involve self-contained individual or cluster systems providing both treatment and disposal of wastewater that will take place near the buildings from which the wastewater is to be discharged.

4. Water pollution control systems in areas where streets have been established, underground utilities installed, or building sites excavated.

5. Treatment plant upgrades that are solely to enable reclaimed water reuse if the treatment level enables unrestricted public access.

(3) Florida Finding of No Significant Impact (FFONSI). A FFONSI shall be used when a project sponsor proposes a project not categorically excluded from a detailed environmental review and not requiring a Florida Environmental Impact Statement. In issuing a FFONSI, the Department shall:

(a) Record the basis for the decision to provide financial assistance for the project, addressing:

1. The environmental consequences of the project;

2. The purpose and the need for the project;

3. The alternatives, including no action, and the cost considerations for the project;

4. Any environmental enhancement measures to be implemented;

5. The public participation process;

6. The results, if available, of the State Clearinghouse Review; and

7. Compliance with relevant rules of the Department.

(b) Consider public comments about environmental impacts of a project if the comments are received within 30 days after the date of posting of the notice of availability on the Department's website.

(c) Conclude the environmental review for the project only after the 30-day comment period has expired and:

1. No information is received about previously unconsidered adverse environmental impacts;

2. Information is received about previously unconsidered adverse environmental impacts and one of the following occurs:

a. The objections are either without a basis in statute, regulation, or ordinance, or the objections are resolved;

b. A re-evaluation of the project is made as a result of the comments, and the Department confirms the original decision or requires environmental enhancement measures before implementing the project; or

c. The FFONSI is rescinded.

(4) Florida Environmental Impact Statement (FEIS). A FEIS and a Florida Record of Decision (FROD) shall be used for a project for which there is an adverse direct or indirect impact on land use and population patterns, the quality of the environment, cultural or environmental resource areas, or the habitats of endangered or threatened species. A FEIS and FROD also shall be used when there is unresolved public controversy over the environmental impacts of a project provided that the objections to the project have a basis in statute, regulation, or ordinance. An FEIS shall be prepared by the Department or, at the direction of the Department and in accordance with the Consultants' Competitive Negotiation Act, Section 287.055, F.S., by others with no conflicting interest in the outcome. In completing the environmental review, the Department shall:

(a) Issue a notice of intent to prepare a FEIS for the project;

(b) Develop a plan of study and convene a meeting of government, including EPA, and other interested parties to determine the scope of the FEIS;

(c) Identify and evaluate project alternatives;

(d) Provide for public participation and review by federal and state environmental regulatory agencies;

(e) Ensure that adverse impacts of the project are minimized or eliminated;

(f) Document the findings of the environmental review using both the FROD and FEIS;

(g) Announce the funding eligibilities using a FROD and consider public comments about environmental impacts if received during the 30-day period beginning on the date of posting of the notice of availability on the Department's website; and

(h) Conclude the environmental review only after a 30-day public comment period has expired without receipt of comments about adverse environmental impacts or if, after receipt of such comments, the Department takes action to:

1. Confirm the original decision;

2. Require additional analysis and environmental enhancement as a condition of confirmation of the original decision; or

3. Rescind the original decision.

(5) Florida Reaffirmation Notice (FRAN). A FRAN shall be used to establish the Department's continuing intention to make funds available for unimplemented projects, the planning for which was previously documented as accepted by the Department in a FCEN, FFONSI, FROD, or analogous documents issued by EPA, or amendments to any of the foregoing that are no longer valid after five years have elapsed since issuance. In issuing a FRAN, the Department shall:

(a) State the findings being reaffirmed;

(b) Consider public comments about changed conditions altering the environmental impacts since the previous FCEN, FFONSI, FROD, or analogous documents issued by EPA, or amendments to any of the foregoing. Comments shall be considered if received during the 30-day period beginning on the date of posting of the notice of availability of the FRAN on the Department's website;

(c) Conclude the environmental review only after the public comment period has expired; and

1. No information is received about changed conditions resulting in adverse environmental impacts;

2. Information is received about changed conditions resulting in adverse environmental impacts and one of the following occurs:

a. The objections are resolved;

b. A re-evaluation of the project is made as a result of the comments and the Department confirms the original decision or requires environmental enhancement measures before implementing the project; or

c. The FRAN is rescinded.

(6) State Clearinghouse. Project planning documentation shall be submitted to the State Clearinghouse for a multi-disciplined intergovernmental review. All comments resulting from this review shall be addressed by the Department prior to its approval of the planning documentation.

Specific Authority 403.1838 FS. Law Implemented 403.1835 FS. History-New _____.

62-505.800 Audit Required.

(1) Within 12 months after the effective date of the amendment to the grant agreement ~~amendment~~ establishing final project costs, the project sponsor shall submit to the Department a separate audit report of the grant related provisions, revenues, and expenditures. The audit report also shall address whether the project sponsor complied with requirements, such as implementation of the user charge system, set forth in the grant agreement. The audit findings shall set aside or question any costs that are unallowable under this rule chapter. A final determination of the allowability of such costs shall be made by the Department. The

above-described separate project audits shall be required unless the only disbursements ~~were to be~~ made under a preconstruction the grant agreement ~~are for~~ allowances.

(2) The Department shall ~~may~~ conduct an audit within three ~~(3)~~ years following project close-out if grant conditions compliance problems have been noted; record keeping deficiencies are noted during close-out; the project involves unusual, questioned, or apparently irregular costs; or other justification for conducting the audit becomes apparent. The Department of Environmental Protection, Bureau of Water Facilities Funding and the Inspector General jointly shall be responsible for determining whether an audit is to be performed.

(a) through (b) No change.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History-New 11-30-98, Amended _____.

62-505.850 Exceptions to Program Requirements.

(1) Projects that were previously listed on the contingency portion of the FY 2005 priority list, have maintained eligibility, have received an authorization to incur costs, and have initiated or completed construction shall be allowed to submit a Request For Inclusion and compete for funding at the first hearing conducted under this revised chapter. An additional 50 priority score points shall be added to its priority score.

(2) Projects in subsection (1) above, shall meet the per capita income and population requirements of this chapter.

(3) Projects in subsection (1) above, shall have the grant percentage determined by subsection 62-505.350(5), F.A.C.

Specific Authority 403.1838(3)(a), (b) FS. Law Implemented 403.1835, 403.1838 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Holmden, Program Administrator, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3500, Tallahassee, Florida 32399 2400; Telephone (850)245-8394

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Director, Division of Water Resource Management, Department of Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:

64B7-25.004 Endorsements

PURPOSE AND EFFECT: To specify requirements for endorsement licensure.

SUMMARY: Includes requirements that endorsement applicants establish completion of Laws and Rules, HIV/AIDS, and medical errors courses.

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

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

SPECIFIC AUTHORITY: 456.013(2), 480.035(7), 480.041(4)(c) FS.

LAW IMPLEMENTED: 456.013(2), 480.041(4)(c) 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-25.004 Endorsements.

(1) The Department shall issue a license by endorsement to a person who:

(a) Pays to the Department the initial licensure fee set forth in subsection 64B7-27.0087(2), F.A.C.; and

(b) Is currently licensed and has practiced massage under the laws of education or apprenticeship training substantially similar to, equivalent to, or more stringent than those required for licensure by Florida law and these rules; and

(c) Demonstrates that his out-of-state license was issued upon the satisfactory completion of an examination comparable to the examination approved by the Board given by the Department; and

(d) Has no outstanding or unresolved complaints filed against him or her in the jurisdiction of licensure.

(e) Completes a current curriculum course from a Board approved school covering the Florida Statutes and rules related to massage therapy.

(f) Completes the HIV/AIDS course requirement in Rule 64B7-25.0012, F.A.C.

(g) Completes a course relating to the prevention of medical errors as required by Section 456.013(7), F.S.

(2) The Department may interview an applicant for licensure by endorsement to determine whether he qualifies for such endorsement.

Specific Authority 456.013(2), 480.035(7), 480.041(4)(c) FS. Law Implemented 456.013(2), 480.041(4)(c) FS. History--New 11-27-79, Amended 7-9-80, 8-29-83, 10-9-85, Formerly 21L-25.04, Amended 6-12-88, 8-15-89, 2-11-93, Formerly 21L-25.004, Amended 9-15-94, 1-9-95, 8-18-96, 1-29-97, Formerly 61G11-25.004, Amended 6-22-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 25, 2006

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.:

64B7-28.0095

RULE TITLE:

Continuing Education for Pro Bono Services

PURPOSE AND EFFECT: To designate which requirements are satisfied by Pro Bono services.

SUMMARY: To designate which requirements are satisfied by Pro Bono services.

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

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

SPECIFIC AUTHORITY: 456.013, 480.0415 FS.

LAW IMPLEMENTED: 456.013, 480.0415 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: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-28.0095 Continuing Education for Pro Bono Services.

(1) Up to 6 hours of continuing education per biennium in satisfaction of paragraph 64B7-28.009(3)(a), F.A.C., may be awarded for the performance of pro bono services to the indigent, underserved populations or in areas of critical need within the state where the licensee practices. The standard for determining indigence shall be that recognized by the Federal Poverty income guidelines produced by the United States Department of Health and Human Services.

(2) In order to receive credit under this rule, the licensee must receive prior approval from the Board by submitting a formal request for approval, which must include the following information:

- (a) The type, nature and extent of services to be rendered;
 - (b) The location where the services will be rendered;
 - (c) The number of patients expected to be served; and
 - (d) A statement indicating that the patients to be served are indigent underserved or in an area of critical need.
- (3) Credit shall be given on an hour per hour basis.
- (4) Approval for pro bono services is only granted for the biennium for which it is sought. The licensee must request approval for each biennium they wish to receive credit for pro bono services.

Specific Authority 456.013, 480.0415 FS. Law Implemented 456.013, 480.0415 FS. History--New 5-5-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Massage Therapy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 28, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 25, 2006

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1005
RULE TITLE: Retired License Election; Renewal; Fees

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide instructions on how to receive a retired status license, how to renew a retired status license, and the fees in order to do so.

SUMMARY: Instructions regarding retired license election, renewal and fees will be included in the rule.

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

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

SPECIFIC AUTHORITY: 456.036(15) FS.

LAW IMPLEMENTED: 456.013, 456.036(4)(b) 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1005 Retired License Election; Renewal; Fees.

(1) A licensee may elect to place his or her license on retired status.

(a) At the time of license renewal, to place the license on retired status, the licensee must submit a written request with the board for retired status and submit the retired status fee of \$50.00 pursuant to Section 456.036(4)(b), F.S., and the current unlicensed activity fee.

(b) At a time other than license renewal, to place the license on retired status, the licensee must submit a written request to the Board for the retired status plus submit the retired status fee of \$50.00 pursuant to Section 456.036(4)(b), F.S., plus a change of status fee of \$25.00, plus the current unlicensed activity fee.

(c) Before the license of a retired status licensee is reactivated, the licensee must meet the continuing education requirements in Rule 64B16-26.103, F.A.C., and pay any renewal fees imposed on an active status licensee for all biennial licensure periods, plus the current unlicensed activity fee during which the licensee was on retired status.

(2) Any person applying for an active status license who has been on retired status for 5 years or more, or if licensed elsewhere, has not been active during the past 5 years, shall as a condition of licensure, demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety, and welfare of the public by:

(a) If inactive for less than 5 years, the licensee must pass a jurisprudence examination;

(b) If inactive for 5 or more years, in addition to paragraph (a), the licensee must pass the NAPLEX.

(3) Any person applying for an active status license by endorsement who has not been active in his or her state of licensure during the past 5 years, shall as a condition of licensure, demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety, and welfare of the public by:

(a) If inactive for less than 5 years, the applicant must pass a jurisprudence examination;

(b) If inactive 5 or more years, in addition to paragraph (a), the applicant must pass the NAPLEX.

Specific Authority 456.036(15) FS. Law Implemented 456.013, 456.036(4)(b) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 30, 2005

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.300
RULE TITLE: Consultant Pharmacist Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the training skills required for licensure as a Consultant Pharmacist.

SUMMARY: The rule amendment will modify the training skills required for licensure as a Consultant Pharmacist.

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

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

SPECIFIC AUTHORITY: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0125 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.300 Consultant Pharmacist Licensure.

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

(c) Successfully complete a period of assessment and evaluation under the supervision of a preceptor within one (1) year of completion of the course set forth in paragraph (b) above. This period of assessment and evaluation shall be completed over no more than three (3) consecutive months and shall include at least 40 hours of training in the following practice areas, 60% of which shall occur on-site at an institution that holds a pharmacy permit. The training shall include:

Minimum Skill Required

Minimum of 40 Hours in Maximum of Three Months

1. Regimen review, documentation and communication.

a. Demonstrate ability to carry out process and understand documentation functions.

b. Understand and perform drug regimen review.

Communicate findings to appropriate individuals or groups.

c. The Consultant pharmacist is responsible for learning other skills needed to perform in his/her type of facility where he/she is or will be the consultant Pharmacist of Record.

2. Facility review.

Demonstrate areas that should be evaluated, documentation, and reporting procedures.

3. Committee and Reports.

Review Attend quarterly Quality of Care Committee minutes and preparation and Delivery of pharmacist quarterly report.

4. through 6. No change

~~7. Additional skills.~~

~~The Consultant pharmacist is responsible for learning other skills needed to perform in his/her type of facility where he/she is or will be the consultant Pharmacist of Record.~~

(3) through (7) No change.

~~(8) A consultant pharmacist who has never completed a period of assessment and evaluation shall meet the requirements of paragraph (2)(c) within one (1) year after the effective date of this rule.~~

<u>Percent of Time</u>	<u>Hours</u>
50-60%	20-24

15-20%	6-8
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5%	2
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Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History–New 5-19-72, Revised 4-19-74, Repromulgated 12-18-74, Amended 10-17-79, 4-8-80, 7-29-81, 7-1-83, 4-10-84, 4-30-85, Formerly 21S-1.26, 21S-1.026, Amended 7-31-91, 10-14-91, Formerly 21S-26.300, 61F10-26.300, Amended 9-19-94, 3-28-95, 3-10-96, Formerly 59X-26.300, Amended 5-22-01, 5-5-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.001
RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to implement Section 456.072(1)(gg), Florida Statutes.

SUMMARY: The amendment will add a violation, a minimum and maximum penalty range for its disciplinary guidelines in order to implement Section 456.072(1)(gg), Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.
(1) through (2)(o)19. No change.

20. VIOLATION

Being terminated from or failing to successfully complete an impaired practitioners treatment program (456.072 (1)(gg), F.S.)

(3) through (4) No change.

Specific Authority 456.072, 456.079, 465.005 FS. Law Implemented 456.072, 456.079 FS. History–New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96, Formerly 59X-30.001, Amended 12-3-97, 11-15-98, 5-3-00, 1-2-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

PENALTY RANGE

MINIMUM

MAXIMUM

Suspension until successful completion or receipt of written confirmation of compliance with ongoing treatment and a fine of up to \$1,000.

Revocation

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-142.015
RULE TITLE: Standardized Requirements Applicable to Insurers After Hurricanes or Natural Disasters

PURPOSE AND EFFECT: Section 24 of Senate Bill 1980 created Section 627.7019, F.S. It requires the Financial Services Commission to adopt by rule standardized requirements that may be applied to insurers as a consequence of a hurricane or other natural disaster.

SUMMARY: The purpose of the rule is to adopt standardized rules with respect to claims reporting requirements, grace periods for payment of premiums, and performance of other duties by insureds and temporary postponement of

cancellations or nonrenewals. These rules are based on Hurricane Orders issued by the Office of Insurance Regulation in the 2004 and 2005 hurricane seasons.

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

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

SPECIFIC AUTHORITY: 624.308, 627.7019 FS.

LAW IMPLEMENTED: 624.307(1), 627.7019 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: October 23, 2006, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Carol McBrier, Property and Casualty, Office of Insurance Regulation. E-Mail: carol.mcbrier@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Streukens, Deputy Commissioner, Property and Casualty, Office of Insurance Regulation, E-mail: thomas.streukens@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-142.015 Standardized Requirements Applicable to Insurers After Hurricanes or Natural Disasters.

This rule adopts standardized requirements that may be applied to insurers as a consequence of a hurricane or other natural disaster. The Office is authorized to issue an Order or Orders deemed necessary to protect the health safety and welfare, activating the requirements herein, in whole or in part. An Order may be amended as deemed necessary to accommodate the particular circumstances of the specified hurricane or natural disaster. The following standardized provisions may be activated as provided herein:

(1) CLAIMS REPORTING REQUIREMENTS.

(a) All entities having direct premiums written in Florida and authorized, approved, or otherwise eligible to provide the coverages indicated below in items 1. and 2. shall report the information required by Form OIR-DO-1681, "Catastrophic Event Data Reporting and Analysis (Hurricane)", providing hurricane loss and associated exposure data within this state.

The definitions of lines of business specified in items 1. and 2. above are to be consistent with the *Uniform Property & Casualty Product Coding Matrix* provided by the National Association of Insurance Commissioners (NAIC) at http://www.naic.org/documents/industry_rates_pc_matrix.pdf which is incorporated herein by reference. The reporting shall be submitted with such frequency and for such areas as set forth in the Order activating this subsection and may be revised to reflect the phases of reporting necessary as set forth in form OIR-DO-1681. The applicable coverages are:

1. Those coverages as defined in Sections 627.4025(1) and 215.555(2)(c), F.S.

2. Other property coverages where hurricane loss is not specifically excluded in the policy's outline of coverage such as:

- a. Private Passenger Auto Physical Damage
- b. Commercial Auto Physical Damage
- c. Commercial Property, including Fire and Allied Lines
- d. Commercial Multiple Peril
- e. Farmowners Multiple Peril
- f. Ocean Marine
- g. Inland Marine
- h. Aircraft
- i. Boiler and Machinery

(b) The following form is hereby adopted and incorporated by reference:

1. OIR-DO-1681 (revised 06/2006), "Catastrophic Event Data Reporting and Analysis (Hurricane)".

2. Copies of the form are available and may be printed from the Office's website: <http://www.floir.com/>.

3. All information shall be submitted electronically through <https://portal.fldfs.com>.

(2) GRACE PERIODS AND TEMPORARY POSTPONEMENT OF CANCELLATIONS OR NONRENEWALS.

(a) Subsection (2) of this rule applies to all contracts of insurance and other contracts that are subject to regulation under the Florida Insurance Code including:

1. All policies referenced in Chapters 440, 624, 626, and 627, F.S.;

2. All policies or contracts issued pursuant to Chapters 636, 641 and 651, F.S.;

3. Contracts issued by Multiple Employer Welfare Arrangements and Commercial Self-Insurance Trusts; and

4. Premium Finance Company contracts;

References herein to "policy" or "contract of insurance" includes all agreements regulated under the Insurance Code.

(b) Reinsurance contracts are not subject to this rule, however, ceding insurers shall, within ten (10) days, notify the Office, in writing, of the cancellation or nonrenewal of any

reinsurance contract reinsuring property risks located in the State. The notice should be directed to Property and Casualty Financial Oversight.

(c) Any free look period in a variable life policy or variable annuity contract is not extended by this rule.

(d) As to any policy provision, notice, correspondence, or law which imposes a time limit upon an insured to perform any act or transmit information or funds with respect to a contract of insurance, which act was to have been performed on or after the date specified in the Order of the Office, the time limit shall be extended to a date specified in the Order. This extension of time shall not relieve a policyholder who has a claim resulting from the designated hurricane or natural disaster from compliance with their obligations to provide information and cooperate in the claim adjustment process relative to their property damage claim. This extension of time shall also not apply to new policies issued on or after the date specified in the Order. No interest, penalties, or other charges, shall accrue or be assessed, as the result of the extensions required herein. Interest that is owed pursuant to premium financing plans with premium finance companies or insurers or their affiliates may be assessed.

(e) During the dates specified in the Order, no insurer or other entity regulated under the insurance code shall cancel or nonrenew a policy or contract of insurance or issue a notice of cancellation or nonrenewal, covering a person, property or risk in the referenced areas as specified in the Order, except at the written request or written concurrence of the policy holder.

(f) All notices of cancellation issued or mailed the week preceding the date specified in the Order, affecting the specified areas, shall be withdrawn and reissued to insureds on or after the date specified in the Order.

(g) A cancellation or nonrenewal may occur prior to the date specified in the Order, at the written request or written concurrence of the policyholder.

(h) Except as provided in paragraphs (e) and (f) with respect to a notice of cancellation or nonrenewal which, but for this rule, would have taken effect during the dates specified in the Order, such notice is not made invalid by this rule; however,

1. The insurer shall extend the coverage to and including the date specified in the Order, or a later date specified by the insurer;

2. The premium for the extended term of coverage shall be the appropriate pro rata portion of the premium for the entire term of the policy.

(i) An insurer or other regulated entity that was unable to cancel or nonrenew a policy due to the operation of this rule, may upon proper notice, cancel or nonrenew such policy, effective on the date the policy would have otherwise been cancelled or nonrenewed, in the event the insured has not filed a claim under the policy or not paid outstanding premium due.

(j) No policy shall be cancelled or nonrenewed solely because of a claim resulting from a hurricane or natural disaster.

(k) An insurer's offer of replacement coverage, which is voluntarily accepted by an insured or applicant in an affiliated company, or made pursuant to a depopulation program, assumption or other arrangement approved by the Office does not constitute a nonrenewal or cancellation for purposes of this rule.

(l) Any insurer who receives a claim from an insured owing premium may offset the premium due to the insurer or a premium finance company from any claim payment made under the policy.

(m) Nothing in this rule shall be construed to exempt or excuse an insured from liability for premiums otherwise due for actual coverage provided.

(n) This rule shall not apply to new policies issued on or after the date specified in the Order.

(o) If the contract of insurance was financed by a premium finance company for risks located in the specified areas, the following provisions apply:

1. Premium finance companies may issue advisory 10-day notices of intent to cancel and cancellation notices in accordance with the terms of the premium finance agreement signed by the insured. In addition, each such advisory notice shall prominently contain the following statement: "If you have been displaced through the loss of your home or damage to your home which has caused you to reside elsewhere on a temporary basis, or if you have temporarily become unemployed due to the destruction caused by Hurricane [name of hurricane or natural disaster], please contact this office at once. Victims of Hurricane [name of hurricane or natural disaster] will receive an automatic extension of time to and including [date specified in the Order], to bring their accounts up to date and no late charges will be applied to any late payments received which were due on their accounts during the period of the dates specified in the Order. Therefore, if you are a victim of Hurricane [name of hurricane or natural disaster], please contact us at once at the number provided at the bottom of this notice so that we may advise you of the status of your account. If you decide that you no longer need or desire to keep the coverage provided by the insurance policy financed by your contract with us, please contact us at once so that we may instruct you on how to effect cancellation with your insurer."

2. If a premium finance loan is in default at the end of the grace period, a premium finance company shall give proper notice by:

a. Issuing a 10 day notice of intent to cancel to the insured by the means provided under Section 627.848(1)(a)1., F.S., and applicable regulations, and

b. If the insured does not bring their loan current within the time provided in the notice of intent, a premium finance company may mail the insurer a request for cancellation as provided in Section 627.848(1)(a)2., F.S.

3. Upon receipt of a request for cancellation from a premium finance company after the grace period specified in an Emergency Order expires, the insurer will process the cancellation in accordance with paragraph (i).

4. Any insurer who is unable to cancel because it has received a claim under a policy for which it receives a notice of cancellation from a premium finance company will offset the balance owed the premium finance company, as disclosed in the notice of cancellation, from the first claim payments made under the policy.

5. No late charges shall be assessed for any insured who qualifies for protection under this rule.

(p) Subsection (2) of this rule shall not apply to policies for the following kinds of insurance issued by authorized insurers which cover a business that is domiciled or maintains its primary place of business outside of the State of Florida: Surety insurance as defined in Section 624.606, F.S.; Fidelity insurance as defined in Section 624.6065, F.S.; Marine insurance, wet marine and transportation insurance and inland marine insurance as defined in Section 624.607, F.S.; Title insurance as defined in Section 624.607, F.S.; Collateral Protection insurance as defined in Section 624.6085, F.S.; Workers' Compensation insurance as defined in Section 624.605, F.S.; Casualty insurance as defined in Section 624.605, F.S., but limited to coverage of commercial risks other than residential or personal property; and property insurance as defined in Section 624.604, F.S., but limited to coverage of commercial risks other than residential or personal property. Additionally, this rule shall not apply to life insurance policies or annuity contracts that are owned by a person other than the insured or the annuitant or where the premium payer under such policy is a person other than the insured or annuitant and such owner or premium payer does not reside in the referenced areas.

(q) Any insurer that becomes impaired or insolvent due to a hurricane or natural disaster or the operation of subsequent rules and orders has a duty to report the resulting financial condition to the Office as soon as possible. Notwithstanding any other provisions contained herein, the Office may exempt any insurer from compliance with this rule if the Office determines that compliance with this rule may be reasonably expected to result in such insurer being subject to financial regulatory action levels by the Office.

(r) The provisions of this rule shall be liberally construed to effectuate the intent and purposes expressed therein and to afford maximum consumer protection.

Specific Authority 624.308, 627.7019 FS. Law Implemented 624.307(1), 627.7019 FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carol McBrier, Property and Casualty, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2006

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:

RULE TITLE:

5E-2.028

Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms; Department Authorization; Records; 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. 32, August 11, 2006 issue of the Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms; Department Authorization ~~Approval~~; Records; Penalties.

(1) Use and Sale Restrictions. The use of aldicarb in accordance with label directions is authorized statewide, with the following restrictions:

(a) Aldicarb shall be applied only during the time period for which written or electronic authorization has been ~~is~~ issued by the department by means of an aldicarb permit.

(b) Aldicarb shall be applied only at ~~the~~ sites for which written or electronic authorization has been ~~is~~ issued by the department by means of an aldicarb permit.

(c) Experimental use must be authorized by the United States Environmental Protection Agency or the department.

(d) Aldicarb shall not be applied within 300 feet of any well in this state, with the exception of wells that meet the provisions of paragraph (1)(f) ~~(e)~~.

(e) Aldicarb shall not be used in Florida citrus on any soil series identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil within 1,000 feet

~~of any well, with the exception of wells that meet the provisions of paragraph (1)(f) or (1)(g). Soil series which have been identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil include but are not limited to the following: Aldicarb shall not be used on Florida citrus within 1000 feet of any well when any soil series within the intended site of application is identified by the U.S.D.A. Soil Conservation Service as highly permeable well drained sand, unless the applicator furnishes the department with construction documentation confirming that the well is properly cased to a depth of 100 feet below ground surface or a minimum of 30 feet below the water table. The 1000-foot setback requirement shall not apply to any wells that meet the provisions of paragraph (1)(e). Soils series which have been identified by the U.S.D.A. Soil Conservation Service as highly permeable well-drained sand include, but are not limited to, the following:~~

Adamsville
Archbold
Astatula
Candler
Cassia
Lake
Neillhurst
Orsino
Palm Beach
Paola
Satellite
St. Lucie
Tavares

~~Well construction documentation shall consist of either a copy of the well completion report issued by the appropriate water management district or a statement certified as to accuracy by a licensed well contractor.~~

~~(f)(e)~~ Any well that meets the following provisions is exempt from the 300-foot and 1,000-foot setback requirements specified in paragraphs (1)(d) and (1)(e):

1. The well is not used for human consumption;
2. The well has been posted with a conspicuous warning notice stating "NOT FOR HUMAN CONSUMPTION"; and
3. If the well is situated on property under different ownership from the property where the aldicarb application is to be made, a signed statement has been obtained from the well owner authorizing the posting of the warning notice specified in subparagraph (1)(f)(e)2.

(g) The 1,000-foot setback requirement in paragraph (1)(e) shall not apply to wells for which the permit applicant has furnished the department well construction documentation confirming that the well is continuously cased to a depth of at least 100 feet below ground surface or at least to a minimum depth of 30 feet below the top of the shallowest water-producing zone recognized at the time of well

construction. Well construction documentation shall consist of either a copy of the well completion report issued by the appropriate water management district or a statement certified as to accuracy by a Florida-licensed well contractor. Effective July 1, 2007, the well completion report or statement certified by a Florida-licensed well contractor must contain the following information: well location; casing depth; static water level at time of well completion if not continuously cased to a depth of 100 feet or greater; and name of water management district or Florida-licensed well contractor that issued the document. Well location must be identified by county, range, township, and section; and, effective July 1, 2007, Global Positioning System (GPS) latitude and longitude coordinates in decimal degrees. Latitude and longitude coordinates must be accurate to a minimum of five places after the decimal and must be in the format of this example: Latitude: 28.45874; Longitude: -82.08945.

~~(h)(f)~~ Warning notices specified in subparagraph (1)(f)2. ~~(e) of this subsection~~ shall remain in place subsequent to the aldicarb application until sampling and analysis of the well water performed or approved by the department indicate an aldicarb residue level in compliance with the standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C.

~~(i)(g)~~ Citrus grove use is limited to one application per tree per use season year. For purposes of this rule, the citrus use season is defined as the period November 15 – April 30. Such application may be made only during the period January 1 – April 30. Application shall not exceed the rate of 5 pounds active ingredient or 33 pounds of 15G formulation per acre.

~~(j)(h)~~ Any drinking water well found to contain aldicarb residues in excess of the standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C., shall have further use of the chemical within 1,000 feet of the well suspended immediately. The suspension shall remain in effect until the well has undergone remedial treatment in a manner acceptable to the department or until subsequent sampling and analyses of the well water performed or approved by the department indicate residue levels in compliance with standards established by the Florida Department of Environmental Protection.

~~(k)(i)~~ Sales documents from any person selling or distributing aldicarb in Florida shall state: "For use only as authorized by Rule 5E-2.028, F.A.C."

(2) ~~Permit Reporting~~ Requirements and Procedures.

~~(a) At least 10 days prior~~ to applying aldicarb in this state, the licensed applicator shall obtain a permit to apply aldicarb in Florida. Permits may be obtained by filing an application for permit with the department and meeting all permit requirements. Applications shall be filed either electronically on the web site <http://www.temikpermit.com> or in hard copy by delivery of a completed Application for Permit to Apply Aldicarb (Temik), Form DACS-13317, revised 9/06

~~4/02~~, to the address listed on the form. For the purposes of this rule, filing means received by the department. Licensed pesticide applicators may obtain a username and password to use the electronic filing process by submitting a completed Request for Username and Password for Electronic Temik Permit Application, Form DACS-13356, revised 5/04 ~~new 2/02~~, to the address listed on the form.

~~(b) Licensed applicators conducting research with aldicarb and making application to no more than 10 acres per site shall be exempt from the 10-day pre application requirement, provided a signed statement attesting the application is for research purposes is filed with the permit application and provided a permit is obtained before the application is made.~~

~~(b)(e)~~ Each ~~intended~~ application site shall be listed on as a separate ~~entry on the~~ permit application. Application sites situated in more than one township, range, and/or section must be submitted as multiple sites, with each site identified as one entry with a distinct township, range, and section.

(c) Each application site must be identified with county, range, township, and section; and, effective July 1, 2007, indication on a section diagram of all 1/4 of 1/4 sections in which any part of the application site is situated.

(d) With the exception of non-drinking wells that meet the provisions of paragraph (1)(f), well location must be provided for each well that determines an application setback at the application site based on the requirements of paragraph (1)(d) or (1)(e). Well location does not need to be provided for any well that meets the provisions of paragraph (1)(f), but the number of such wells within the application site must be provided. Well location must be identified by county, range, township, and section; and, effective July 1, 2007, Global Positioning System (GPS) latitude and longitude coordinates in decimal degrees. Latitude and longitude coordinates must be accurate to a minimum of five places after the decimal and must be in the format of this example: Latitude: 28.45874; Longitude: -82.08945.

(3)(4) Forms.

(a) Form DACS-13317, Application for Permit to Apply Aldicarb (Temik), revised 9/06 ~~4/02~~, hereby adopted and incorporated by reference, may be obtained from the web site <http://www.flaes.org> or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(b) Form DACS-13356, Request for Username and Password for Electronic Temik Permit Application, revised 5/04 ~~new 2/02~~, hereby adopted and incorporated by reference, may be obtained from the web sites or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(4)(3) Department Authorization; ~~Permit~~.

(a) No person shall apply aldicarb in this state unless written or electronic authorization has been issued by the department by means of an aldicarb permit.

(b) No person shall apply aldicarb in this state to any site ~~until for at least 10 days after~~ an aldicarb permit has been approved for that site. ~~This subsection shall not apply to licensed applicators who apply aldicarb for research purposes to 10 acres or less per site and who otherwise meet the requirements set forth in this chapter.~~

(c) The department shall designate on the permit application the time period ~~dates~~ during which aldicarb is approved for application ~~in this state~~. The time period authorized for application shall not exceed six (6) months.

(d) Department authorization is not transferable.

(e) The department shall deny permit applications that list application sites in areas determined by the department to be unsuitable for aldicarb application. Areas unsuitable for aldicarb application are those geographic areas in which potable well water sampling has revealed a pattern of detections of aldicarb or aldicarb residues at concentrations exceeding water quality standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C. Petitions for the reversal of determinations of unsuitability for aldicarb application shall be submitted to the department for review and consideration. In reviewing such petitions, the department shall evaluate the adequacy of documentation submitted by the petitioner to demonstrate that proposed reintroduction of aldicarb use would not result in water quality violations in potable wells in the area. Pending approval of the submitted documentation, the department shall require the petitioner to provide written permission to reverse the unsuitability determination from all property owners affected by the proposed change.

(5)(4) Records. Each applicator shall maintain a copy of all aldicarb permits approved by the department for that applicator, including all attachments, for a minimum of 2 years. These records shall be made available upon request by an authorized representative of the department. For permit approvals issued to the applicator via the web site <http://www.temikpermit.com>, upon request by an authorized representative of the department, the applicator must either provide a printed copy of the permit information from the web site or make the permit information available by computer screen for review and printing by the department representative.

(6)(5) Penalties. The use, sale, distribution or application of aldicarb by any person in a manner inconsistent with the provisions of this rule is a violation of Chapter 487, F.S., and subject to the penalties described therein.

Specific Authority 487.042, 487.051, 570.07(23) FS. Law Implemented 487.051, 487.160 FS. History--New 1-1-84, Amended 4-8-84, 5-8-85, Formerly 5E-2.28, Amended 2-9-93, 7-18-95, 9-21-98, 3-28-02, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-15.001
 RULE TITLE: Insurance Capital Build-Up Incentive Program

NOTICE OF CHANGE

INCORPORATED FORMS TO BE CHANGED

Insurance Capital Build-Up Incentive Program Surplus Note, Form SBA 15-2.

State Board of Administration of Florida Insurance Capital Build-Up Incentive Program Quarterly Net Written Premium Report, Form SBA 15-3.

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida that the wording of paragraphs (3)(k), (4), (6), (8) and (9) of Rule 19-15.001, F.A.C., have changed from the Notice of Proposed Rulemaking published in the June 30, 2006 edition of the Florida Administrative Weekly, Vol. 32, No. 26.

Paragraph (3)(k) has had additional language added to the end. Only the newly added language is underlined below:

(3) Definitions.

(k) "New Capital" must be in the form of Cash or Cash Equivalents and be recorded as additional paid-in capital or new stock issued. New Capital does not include Citizens Property Insurance Corporation take-out bonuses pursuant to Section 627.3511, F.S. A New Capital contribution does not constitute contributions by the Insurer made prior to the Insurer's application date for the Surplus Note or any other funds contributed to the Insurer's Surplus which are made for purposes other than in conjunction with the requirements of the Program. New capital may include the initial contribution to surplus for a new insurer if such insurer has been formed in order to participate in the insurance capital build-up incentive program and the capital contribution was made in conjunction with the insurer applying for the surplus note.

Paragraph (4)(g): The last sentence in paragraph (4)(g) has been moved down and renumbered as (4)(h) and what was formerly (4)(h) has been renumbered (4)(i).

Paragraph (6) has been amended to replace the "may" in the third sentence with "shall." Only the newly added language is underlined below:

....Prioritization shall occur based upon the following criteria:

Paragraph (8)(e) has been added which reads as follows:

(e) A late fee in the amount of 5% of the invoiced amount may be charged if a payment is received five calendar days after the due date except such fee will not be charged if it

results from a delay beyond the control of the insurer arising from the Office's disapproval of the payments or delay in issuing approval of the payment of interest or principal.

Paragraph (9)(a)1. has had additional language added to the end. Only the newly added language is underlined below:

1. Failure to reach the Minimum Writing Ratio within 60 days of an Insurer receiving the proceeds of the Surplus Note distributed by the Board or the failure to maintain the Minimum Writing Ratio once reached unless a supplemental agreement is provided for in the Surplus Note that allows the Insurer more time to reach the Minimum Writing Ratio due to financial considerations.

Paragraph (9)(a)3. has had additional language added to the end. Only the newly added language is underlined below:

3. Failure to maintain the Minimum Required Surplus except for situations involving the payment of losses resulting from a catastrophic event or a series of events resulting in catastrophic losses or where Minimum Required Surplus is reduced as a result of the accounting treatment for deferred acquisition costs.

Incorporated Forms: Insurance Capital Build-Up Incentive Program Surplus Note, Form SBA 15-2. The insurer is required to provide its NAIC number on page 1. Under the Terms and Conditions section, the following changes have been made: Paragraph (2), has been amended to allow insurers for wire transfer payments; a new subparagraph (e) has been added after paragraph (4) to address late fees; and paragraphs (5)(a)1. and 3. have been amended to incorporate changes to the rule, paragraphs (9)(a)1. and 3., as outlined above under the description of changes to the rule. The final change to this form was the addition of a notarization clause following the first attestation signature line so that both attestations would be notarized, not just the second one. The only change to the Quarterly Net Written Premium Report, Form SBA 15-3, was to add the date November 15 to the list of quarterly filings in section V.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-102.101
 RULE TITLE: Public Information and Inspection of Records

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 21, May 26, 2006, and Vol. 32, No. 30, July 28, 2006, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.006
 RULE TITLE: Educational Requirements

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. 30, July 28, 2006 issue of the Florida Administrative Weekly.

This change was made to address a concern expressed by the Joint Administrative Procedure Committee.

When changed, subsection (2) shall read as follows:

(2) A non-EAC/ABET accredited engineering degree program (hereinafter "engineering program") which seeks certification pursuant to Section 471.013(1)(a), F.S., shall submit the following to the Board:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of the Secretary

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62S-3 Marjorie Harris Carr Cross Florida
Greenway State Recreation and
Conservation Area

RULE NOS.: RULE TITLES:

62S-3.001 Definitions
62S-3.002 Operations, Activities and Recreation
on the Marjorie Harris Carr Cross
Florida Greenway
62S-3.003 Determination and Applicability of
Fines

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 30, July 29, 2005 issue of the Florida Administrative Weekly.

62S-3.001 Definitions.

The terms used in this chapter are defined as follows:

(1) through (20) No change.

Specific Authority 260.016 FS. Law Implemented 253.7821, 260.016 FS. History—New 10-21-01, Amended.

62S-3.002 Operations, Activities and Recreation on Lands Under the Management of the Office of Greenways and Trails. The ~~provisions~~ provision of this rule may be enforced by any local, state or federal law enforcement officer acting within their jurisdiction. Fines will be imposed under Rule 62S-3.003,

F.A.C., on persons who fail to comply with these rules. The following shall govern operations, activities and such recreation on the lands under the management of the Office.

(1) through (5) No change.

(6) Introduction of Species. No person shall introduce into any lands under the management of the Office any plant or animal species by willful abandonment, negligence or for any other reason without authorization of the Office. Authorization shall be granted if such activity is for scientific or educational purposes, and when the Office determines that it provides some benefit to the Office for management purposes (such as provision of a copy of the scientific report generated to the Office); that it is not harmful to resources on lands under the management of the Office; and that the activity is consistent with Greenway management practices, and in keeping with protection, restoration, and maintenance of natural resources. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(7) Collection of Specimens. Authorization must be obtained for the collection of natural objects, including plant and animal life and minerals. Authorization shall be granted if such collection is for scientific or educational purposes; and the Office determines that it provides some benefit to the Office for management purposes (such as provision of a copy of the scientific report generated to the Office); and that the activity is not harmful to resources on lands under the management of the Office; and that it is consistent with Greenway management practices. Collection shall be conducted in compliance with the written authorization. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(8) Construction Activity. No person shall commence or conduct any construction activities upon any land or water areas within the boundary of lands under the management of the Office, without first obtaining written authorization from the Office. Authorization shall be granted only in cases where the construction activity is ~~consistent with Office management practices,~~ and in keeping with protection, restoration, and maintenance of natural resources. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(9) No change.

(10) Designated Public Areas. The Office, in accordance with Chapters 253 and 260, F.S., shall ~~may~~ prohibit or regulate any activity that lessens the health, safety, or recreational experience of the visiting public, lessens the natural or cultural value of lands under the management of the Office or damages lands under the management of the Office or any facility thereof. Except as provided herein, all recreational activities

will occur at locations designated for such activities by the Office. When utilizing recreational trails, users shall stay on the trails designated for that purpose.

(11) No change.

(12) User Fees. User fees shall be established as follows:

(a) User fees for primitive camping at campground facilities on lands under the management of the Office shall be \$12 per night. User fees for recreational vehicle camping at campground facilities on lands under the management of the Office shall be \$22 per night. A 50% discount will be allowed for Florida senior citizens and Florida citizens with proof of 100% disability.

(b) User fees for the use of boat ramp facilities on lands under the management of the Office shall be \$5. ~~The Office shall establish standard user fees for boat ramp and campground facilities, after consideration of user demand, cost of managing and operating the facility, type of facilities available, and season. User fees for boat ramp and campground facilities shall be established for and posted at each site.~~

(c) User fees shall be waived by the Office or the site manager or designee as follows:

1. through 5. No change.

(13) through (16) No change.

(17) Boating and Vessels. Boating and operation of vessels in waters within the boundary of ~~on~~ lands under the management of the Office shall be conducted as follows:

(a) through (b) No change.

(c) No person operating passenger vessels or excursion boats from outside the boundary of lands under the management of the Office that are for rent or hire or carrying passengers for money shall land or anchor or tie up at any facility within the boundary of lands under the management of the Office without first having applied for and received written authorization from the Office. Authorization shall be issued when it is determined by the Office that the request to provide this service would not adversely affect Office-managed resources, ~~would be consistent with Office management practices~~ and would provide a needed visitor service. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. All persons operating such vessels shall be subject to all federal and state boating rules and regulations.

(18) Alcoholic Beverages. Possession of alcoholic beverages within the boundary of lands under the management of the Office is prohibited except by written authorization. Authorization shall be issued only when special events occur and the licensed concessionaire makes reasonable provisions to ensure that minors are not served and are not able to acquire alcohol, such as an over-21 area with no liquor to be taken outside such areas. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee,

Florida 32399-3000. Authorization under this rule is not necessary for riparian upland owners on Lake Rousseau and their invitees when they are performing or engaging in normal riparian rights activities, such as fishing, swimming or boating, or when they are engaged in navigation, including anchoring or trolling. However, when such riparian upland owners or invitees are landing at a public boat ramp or other public area within the Greenway, other than in an emergency, possession of alcoholic beverages shall be prohibited.

(19) No change.

(20) Merchandising and Food. No person shall offer for sale any article, food or material, nor place any stand, cart, or vehicle for the transportation, sale or display of any article, food or material for sale within the boundary of lands under the management of the Office unless authorized by the Office. Authorization shall be issued when resources are not adversely affected, existing contractual relationships are not impaired, and a needed visitor service is provided, ~~and the activity would be consistent with Office management practices.~~ Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000. Florida law and local ordinances may require vendors to obtain licenses prior to selling food or other merchandise. Authorization from the Office for sale of food or other merchandise on lands managed by the Office does not replace or supersede any such requirements. All such vendors must have all current licenses required by the state and local governments.

(21) Hours. Hours for facilities on lands under the management of the Office shall be as follows:

(a) The opening and closing hours for each facility shall be sunrise to sunset posted Greenway. Facilities may be closed on Holidays listed in subsection 62S-3.001(6), F.A.C., of this rule. No person shall remain at any facility after closing unless properly registered as an overnight visitor or in possession of valid authorization from the Office. Authorization may be obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(b) The Department may close any facility or portion of said facility to the public at any time and for any interval of time, either temporarily or at regular stated intervals, and either entirely or only for certain uses. Closed areas will be posted by the Office on maps, signs, or by other reasonable notice. Closures will be used to assure visitor and employee safety, resource protection, operational efficiency, and facility maintenance. No person shall remain in any closed area unless authorized by the Office. Authorization shall ~~may~~ be granted by the Office, when it is necessary for safety, protection, construction, or restoration purposes. Authorization may be

obtained by submitting a written request to the Office of Greenways and Trails, MS 795, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

(22) No change.

(23) Free Speech Activities. Free speech activities are allowed and encouraged on lands under the management of the Office. Such activities include public speaking, performances, distribution of printed material, protests, marches, displays, and signs. Such activities do not include obscene or commercial materials or activities. Any person planning a free speech activity, which meets the definition of "special event" under Rule 62S-3.001, F.A.C., is encouraged ~~required~~ to contact the Office or the site manager to discuss plans for such an event. There is no requirement for a permit. Restrictions shall only be placed on free speech activities if the Office or the site manager determines that any of the following exists: staff, including law enforcement, is not immediately available to protect public safety during the planned event, and such staff or law enforcement are required for public safety given the size or manner of the event; the activity planned would cause significant or unreasonable damage to the resource; the activity would unreasonably interfere with the normal use or flow of the management of the land under the management of the Office; free speech participants or other recreational users on lands under the management of the Office would likely be injured or endangered by the planned event; or another group activity has already been approved for the area and the time of the planned free speech activity. Free speech activities shall only be performed in accordance with all other rules of this chapter.

Specific Authority 260.016 FS. Law Implemented 253.05, 253.7821, 260.016 FS. History--New 10-21-01, Amended_____.

62S-3.003 Determination and Applicability of Fines.

The following shall govern how fines are determined and applied on lands under the management of the Office when persons violate any of the rules in this chapter.

(1) through (5) No change.

Specific Authority 260.016 FS. Law Implemented 253.7821, 260.016 FS. History--New 10-21-01, Amended 7-30-03,_____.

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
63E-6	Sheriff's Training and Respect Programs
RULE NOS.:	RULE TITLES:
63E-6.002	Definitions
63E-6.003	Admission Criteria
63E-6.005	Program Orientation
63E-6.006	Program Components
63E-6.007	Behavior Management

63E-6.008	Operational Inspections
63E-6.009	Program Administration
63E-6.010	Staff Training Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule sections in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 30, July 28, 2006, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing on August 21, 2006, and to those provided by the Joint Administrative Procedures Committee in an August 25 letter.

63E-6.002 Definitions.

(1) Alternative Training – authorized physical activities or extra duty assignments, which are imposed by STAR program staff following a youth's misconduct. Alternative training is intended to correct a youth's behavior by imposing minor sanctions.

(2) Critical Life Safety – a condition or conditions in facility buildings and grounds or in the operation of the program that may adversely affect the health or safety of youth and staff.

(3) Designated Health Authority – a Physician licensed under Chapters 458 or 459, F.S.

(4) Direct Care – means direct contact with youth for the purpose of providing care, supervision, custody, or control of youth in the STAR program.

(5) Extenuating Circumstances – a situation or circumstance beyond the control of the program, including but not limited to hurricanes/Acts of God, facility damage or structural problems, and situations involving a youth prior to his or her admission into the program.

(6) Intensive Mental Health Treatment – treatment for:

(a) Youth with a Diagnostic and Statistical Manual of Mental Disorders – Fourth Edition, Text Revision (DSM-IV-TR) diagnosis of: Schizophrenia or other Psychotic Disorder; Major Depression, Bipolar Disorder or other Mood Disorder; Generalized Anxiety Disorder or other Anxiety Disorder; Personality Disorder; or

(b) Youth classified as Severely Emotionally Disabled (SED) or Emotionally Handicapped (EH) by the school system; or

(c) Youth who have a psychiatric disorder that requires treatment with psychotropic medication; or

(d) Youth who have a psychiatric disorder (other than Conduct Disorder) and serious impairment in functioning as evidenced by a Global Assessment of Functioning (GAF) Scale rating of 50 or below.

(7) Minimum Thresholds - defined as at least a 60 percent performance overall rating in the department's Quality Assurance evaluation system, as referenced in subsection 63E-6.008(1), F.A.C.

(8) Obstacle Course – a strenuous exercise program, which requires youth to overcome a series of barriers and is designed to promote the development of self-confidence and physical endurance.

(9) Physical Training – a series of organized group calisthenics and exercises designed to develop the physical fitness of a youth to an optimum level.

(10) Post-residential Services Counselor – the person supervising the youth's post-commitment probation or conditional release after residential placement.

(11) Program Director – a STAR program staff member who is responsible for all aspects of the STAR program, including, but not limited to, program content, staff supervision, youth treatment and facility security.

(12) Protective Action Response Policy – the departmental policy governing staff's use of verbal and physical intervention techniques, mechanical restraints, prohibition of aerosol and chemical agents, and Tasers, as referenced in Rule Chapter 63H-1, F.A.C.

(13) Suicidal Risk History – means youth with any history of: suicide attempt; suicide gesture; intentional self-injurious behavior; suicide ideation or suicide threats.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091 FS. History–New_____.

63E-6.003 Admission Criteria.

(1) A youth is eligible for the STAR program if:

(a) He or she is at least 14 years of age but less than 18 years of age at the time of adjudication; and

(b) Has been committed to the department for any offense that, if committed by an adult, would be a felony other than a capital felony, a life felony, or a violent felony of the first degree.

(2) All youth referred to the STAR program shall be screened by the department to determine if they have the physical, psychological and substance abuse profile conducive to successfully completing the rigorous physical aspects and intensive behavioral management inherent in a STAR program. The screening shall include:

(a) A comprehensive physical assessment prior to admission conducted by a physician (M.D., D.O.) licensed under Chapter 458 or 459, F.S., or an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, F.S. The assessment shall include a resting electrocardiogram (EKG) to screen for baseline arrhythmias. These assessments shall assist in determining the youth's fitness for the physical demands of the program and to preliminarily screen out those youth whose health problems would prohibit them from engaging in intensive physical exercise as determined by the program's physical exercise curricula. Any youth with abnormal EKGs shall be automatically excluded;

(b) The comprehensive physical assessment and all required tests must be completed within 60 days prior to commencement of ~~performed no earlier than 45 days prior to admission into~~ the STAR program;

(c) A preadmission comprehensive evaluation with the psychological component conducted by a licensed mental health professional or a Master's level mental health clinical staff person working under the direct supervision of a licensed mental health professional should be completed no more than six months prior to commencement of the STAR program. A mental health clinical staff person is a person providing mental health services in a DJJ facility or program who has received training in mental health assessment processes and procedures and mental health treatment strategies and techniques. A Master's level mental health clinical staff person is a person who holds a Master's degree from an accredited university or college with a major in psychology, social work, counseling or related human services field. Related human services field is one in which major course work includes the study of human behavior and development, counseling and interviewing techniques, and individual, group or family therapy. Licensed mental health professional means a board certified psychiatrist licensed pursuant to Chapter 458, F.S., a psychologist licensed pursuant to Chapter 490, a mental health counselor, clinical social worker or marriage and family therapist licensed pursuant to Chapter 491, or a psychiatric nurse as defined in Section 394.455(23), F.S. This evaluation must be completed prior to admission to screen out those youth whose mental status requires psychotropic medication interventions, who have a developmental disability as defined by an IQ less than ~~75~~ 80 or classification as "Educable Mentally Handicapped" or "Trainable Mentally Handicapped," a need for intensive mental health treatment, ~~or~~ reveals suicidal risk histories, a DSM-IV-TR diagnosis of substance abuse, substance dependence, poly substance dependence, substance intoxication or substance withdrawal serious substance abuse histories, or indicates high-risk suicidal tendencies or history of self-injurious behavior.

(3) Within 24 hours of admission, a preadmission substance abuse screening test must be conducted or ordered by the department, with results of testing reviewed prior to admission to the STAR program.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(2), (7)(a) FS. History–New_____.

63E-6.005 Program Orientation.

(1) The STAR program shall conduct orientation for youth admitted to the program.

(2) The program orientation shall include, but not be limited to the following:

(a) A program daily schedule;

(b) A written, easily understandable statement, and a verbal description of youth rights and grievance procedures, including how to report abuse shall be given to the youth at the time of admission;

(c) An introduction to the STAR program concept;

(d) Explanation of program rules, disciplinary procedures and consequences, which result from the violation of program rules;

(e) A review of dress code, hygiene and grooming requirements; and

(f) Explanation of sick call procedures and access to health care services, including health care in emergency situations.

(3) Program orientation and receipt of rules shall be documented with signatures of both the youth and staff.

(4) The signed copy of the orientation and rules receipt shall be placed in the youth's file and a copy given to the youth to be kept in his or her possession.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3) FS. History—New_____.

63E-6.006 Program Components.

(1) The STAR program shall contain the following program components or services:

(a) Participation in physical training exercises, which are designed to develop optimum physical conditioning of the youth. The physical conditioning may include the use of an obstacle course;

(b) Educational and vocational services, designed to meet youth abilities, specialized needs and interests;

(c) Community service or work assignments of a productive nature;

(d) Personal development counseling, which shall include training in good decision-making, development of social adjustment skills, and life and job skills education. Counseling services shall also be provided to replace criminal thinking, beliefs and values with pro-social thinking, beliefs and values;

(e) Mental health and substance abuse counseling and services shall be provided, including alcohol and other drug abuse awareness, education, treatment or referral to treatment for youth in need of such services; and

(f) Health care services, sick call and acute and chronic medical treatment provided by the Designated Health Authority a physician (M.D., D.O.) licensed under Chapter 458 or 459, F.S., an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, F.S., or a licensed Registered Nurse licensed under Chapter 464, F.S., at the level appropriate to their training within the scope of their training and practice.

(2) While the youth is in the program, assessment shall be made for conditional release, providing for the youth's transition back to his or her home community.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3), (4) FS. History—New_____.

63E-6.007 Behavior Management.

(1) The program's behavior management system shall be clear, emphasizing youth rights, encouraging pro-social behaviors and consequences for violations. The behavior management system shall provide a system of privileges and consequences to encourage youth to fulfill programmatic expectations.

(2) The behavior management system shall clearly state the consequences for violation of program rules. The youth shall have an opportunity to explain the questionable behavior for which behavioral consequences are being considered. Consequences shall have a direct correlation to the inappropriate behavior exhibited. It shall be clear to the youth that the corrective action taken is a logical consequence of his or her behavior. Behavior management consequences are limited to the following:

(a) Privilege suspension:

1. Privilege suspension includes denial of the use of the telephone, home visits, recreation or other special activities outside the program and in accordance with the program's written procedures. Withholding of telephone and visitation privileges shall not include depriving a youth access to his or her attorney, law enforcement, a representative of the clergy, the department's Central Communications Center, Department of Children and Families' Abuse Hotline or the Inspector General's Office.

2. Prior to any youth having a privilege suspended, the youth shall have the reason(s) for the suspension explained to him or her.

3. Privilege suspension shall not include the withholding of regular meals, clothing, sleep, health care services, mental health services, toileting facilities, hygiene necessities, school, exercise, correspondence privileges, or legal assistance.

4. All instances of privilege suspension shall be documented in the youth's individual record and in the program logbook, dated and signed by the staff implementing the discipline procedure, with the program logbook to be reviewed and signed by supervisory staff at least on a daily basis.

(b) Alternative training:

1. Alternative training measures shall be applied on a consistent basis as a behavior management tool, and shall be proportionate to the importance of the rule violation. Prior to alternative training the youth shall have the reasons for the imposition explained to him or her, and be given an opportunity to explain his or her behavior. The youth's rights shall be protected at all times during alternative training. Alternative training measures shall be documented in the program logbook, dated and signed by implementing staff and

subsequently reviewed by supervisory staff on at least a daily basis, and all instances must be documented in the youth's individual record.

2. Any staff member of the STAR program has the authority to implement the following alternative training measures to youth:

a. Extra duty assignments;

b. Extra physical exercise limited to no more than 30 minutes. Staff shall intervene anytime a youth indicates that he or she is in pain and unable to perform as instructed. Anytime a staff member determines that the health or physical safety of a youth has been compromised or is potentially compromised, the staff member shall remove the youth immediately from all physical activities without prior approval from supervisory or health care staff. If the health care staff cannot determine the cause of the pain or discomfort, the youth shall be immediately transported to the emergency room; and

c. Verbal counseling directed at changing the youth's inappropriate behavior.

(c) Program restriction:

1. Program restriction is the loss of the earned privilege of leaving the program grounds for the purpose of participating in community activities except as it would restrict exercise of client rights such as school, religious observance, health and exercise needs.

2. Prior to any youth being placed on program restriction, the youth shall have the reason(s) for the restriction explained to him. The youth shall also be given an opportunity to explain his or her behavior.

3. Program restriction shall not exceed 30 days.

4. All instances of program restriction shall be documented in the program logbook, dated and signed by the staff implementing the restriction, with the program logbook to be reviewed and signed by supervisory staff at least on a daily basis.

(d) Room restriction:

1. Room restriction is the restriction of a youth to his or her room or other area designated by the program director to protect the safety of the youth. Room restriction shall be used only when a youth is dangerous to self or others or there is substantial evidence to indicate the youth is about to escape. The use of room restriction shall serve only a "cooling off" purpose and shall not exceed two hours without authorization from licensed medical or mental health professionals. Room restriction shall not exceed a total of four hours at any given time.

2. Prior to a youth being placed on room restriction, the youth shall have the reason(s) for the restriction explained to him or her. The youth shall also be given an opportunity to explain his or her behavior.

3. Meals, clothing, sleep, health care, prescribed medications, mental health services, toileting facilities, hygiene necessities, religious needs, or staff assistance shall not be denied to a youth on room restriction.

4. The staff member placing the youth on room restriction shall document the justification for room restriction.

5. When a youth is placed on room restriction, the staff member shall talk with the youth at least every 30 minutes in order to evaluate the need for continued restriction.

6. Youth on room restriction shall be visually observed (in person) by a staff member at least every 10 minutes.

7. Youth who have been assessed to be at risk of suicide shall be provided with continual sight and sound supervision and shall be referred for a mental health evaluation immediately.

8. Staff observations and contacts with the youth shall be documented in the program logbook, dated, and signed by the staff imposing the restriction, and subsequently reviewed and signed by supervisory staff on at least a daily basis. All instances must be documented in the youth's individual record.

(3) The use of harmful psychological intimidation techniques is prohibited in the STAR program.

(a) For the purpose of this section, the term "harmful psychological intimidation techniques" ~~includes the following actions when intentionally used as a therapeutic or training technique or as a means to encourage compliance with program requirements:~~

1. The threat of physical force or violence;
2. An intentional effort to humiliate or embarrass a child youth;
3. An intentional effort to diminish a child's youth self-confidence or otherwise psychologically break a youth's will; or
4. Any action that would be considered child abuse or neglect under Chapters 39 or 827, F.S.

(b) The term "harmful psychological intimidation techniques" does not include the following actions:

1. Direct and forceful communication to a child youth of program requirements or legitimate performance expectations prior to or during participation in program activities, including positive, active encouragement of children youth engaged in physical training exercises.

2. Communication necessary to inform a child youth of noncompliance with program requirements or appropriate actions to remediate such noncompliance.

3. Communication necessary to inform a child youth of poor performance or appropriate actions to remediate such poor performance.

4. Communications or other actions necessary to maintain order or safety in ~~a~~ the program.

5. Any lawful and reasonable communications that are permissible for parents, other juvenile justice programs, school officials, or other adults who have custody of or supervisory responsibilities for youth.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3), (7) FS. History—New_____.

63E-6.008 Operational Inspections.

(1) Evaluations under Section 985.412(5), F.S., of each STAR program shall be conducted quarterly during the first year of the program's operation. Thereafter, if the program met the minimum thresholds during its most recent evaluation, the program shall be evaluated at least once annually. If a sheriff's training and respect program fails to meet the minimum thresholds, the department shall cancel the contract for the program. All STAR programs, whether operated by the department, county or municipal government, shall be inspected quarterly during the first year of operations by the department to determine operational compliance. Thereafter, if the program has met the minimum thresholds during the most recent evaluation, the program shall be evaluated at least once annually.

~~(2) If a STAR program fails to meet the minimum thresholds, the department shall cancel the contract for the program:~~

~~(a) 1. Immediately, if the program has a deficiency in a critical life safety aspect of its operations, or has failed to train its staff as required.~~

~~(b) 2. Within three months, if the program fails to achieve compliance with the minimum thresholds within three months, unless there are documented extenuating circumstances.~~

~~(2)(3) Upon cancellation of a STAR program contract under subsection (1), the provisions of this section, the program's operations shall immediately cease and the department shall immediately discontinue any state payments to the program.~~

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(8) FS. History—New_____.

63E-6.009 Program Administration.

(1) The program's administration shall include, but is not limited to:

(a) Rule and contract compliance:

1. The inspection shall include operational compliance with admission criteria and screening, behavior management sanctions and privileges.

2. A contractual STAR program will comply with the terms and conditions as identified in the contract.

(b) Safety and security:

1. The STAR program shall ensure the safety and security of staff and youth, conduct security inspections and checks, and provide preventive maintenance and control of safety and security equipment.

2. The program shall develop escape prevention and escape response plans.

3. Youth at the program shall be interviewed by regional program monitors at least quarterly regarding their safety and security at the program. The interviews shall address availability of services, abuse allegations, grievances, access to treatment services, and overall treatment.

4. Departmental staff shall meet with STAR program directors to review Protective Action Response reports for trends and conditions that would indicate staff are engaging in excessive or inappropriate use of force.

(c) Treatment:

1. The STAR program shall provide youth treatment and activities, youth work assignments, physical training, delivery of specialized treatment services, and youth case management.

2. The program shall provide for visitation and family involvement, correspondence and telephone communications for the youth in the program.

3. The program shall include academic and vocational activities, life and job skills, and appropriate decision making training for the youth.

(d) Behavior management:

1. The program shall implement a behavior management system, which includes consequences, sanctions and privileges for youth.

2. The behavior management system shall not deny a youth meals, clothing, sleep, education, exercise or physical and mental health services.

(e) Medical:

1. The program shall implement access to and the delivery of medical, substance abuse and mental health services and assessments.

2. The program shall have a written suicide prevention and suicide response plan.

3. The program shall have a Designated Health Authority, defined as the physician (M.D. or D.O. licensed pursuant to Chapter 458 or 459, F.S.) who comes on site weekly to perform administrative duties and healthcare services that are beyond the scope of the nurse's training.

4. The program shall provide for medication storage, medical documentation, medication monitoring and distribution; sick call and medical appointments; "medical and mental health alerts"; management of health and mental health records and information; and control of infectious and communicable diseases.

5. Anytime the health care staff determines that the health or physical safety of a youth has been compromised or is potentially compromised, they shall remove the youth from all physical activities without prior approval from program staff. Staff shall intervene anytime a youth indicates that he or she is in pain and unable to perform as instructed. Anytime a staff member determines that the health or physical safety of a youth

has been compromised or is potentially compromised, the staff member shall remove the youth immediately from all physical activities without prior approval from supervisory or health care staff. If the health care staff cannot determine the cause of the pain or discomfort the youth should be immediately transported to the emergency room.

6. Health care services must be provided daily from 7:00 a.m. to 9:00 p.m. by a Registered Nurse licensed under Chapter 464, F.S. Around-the-clock, on-call access to the Designated Health Authority or Advanced Registered Nurse Practitioner ~~a medical professional (Physician)~~ (ARNP) must be available at all other times.

7. All STAR program staff shall be CPR and First Aid certified.

8. All STAR programs shall have Automated External Defibrillators (AEDs) on site within 12 months of opening and at least one staff person on every shift shall be AED certified.

(f) Administration:

1. The program shall have a written mission statement.

2. Requirements for The program shall require the prominent display of the telephone number of the statewide abuse registry hotline and the department's Central Communication Center and for immediate access by children youth in the program, upon request, to a telephone for the purpose of contacting the statewide abuse registry, the public defender's office, his or her attorney, or a law enforcement agency.

(2) All usage of PAR must be documented in accordance with Rule 63H-1.007, F.A.C.

(3) All alleged violations of PAR shall be reviewed by the department's Inspector General.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3)-(5), (7), (9) FS. History-New_____.

63E-6.010 Staff Training Requirements.

(1) All STAR program staff must complete, at a minimum, the following training requirements within 90 calendar days of that staff person's hiring date:

(a) Administrative staff must successfully complete 120 contact hours of department-approved training. A training plan must be approved by the department's Bureau of Staff Development and Training.

(b) Direct care staff who are Criminal Justice Standards and Training Commission (CJSTC) certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., will adhere to the requirements of Rule 63H-1.016, F.A.C.

(c) Direct care staff who are not certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to be certified in Protective Action Response and to successfully complete 200 contact hours of department approved training, which must include, but not be limited to:

1. State and federal laws relating to child abuse;
2. Adolescent behavior;
3. Behavior management;
4. Mental health issues;
5. Suicide prevention;
6. Health care;
7. Communication skills-interpersonal and verbal de-escalation skills;
8. Human diversity;
9. Cardiopulmonary resuscitation (CPR)/First Aid certification;
10. Safety;
11. Security; and
12. Emergency procedures.

(2) All department approved training courses must be taught by one or more persons who are certified as, or who have completed the necessary education and training to be, an instructor for the course being taught. A training course in counseling techniques must be taught by a person who has at least a bachelor's degree in social work, counseling, psychology or a related field.

(3) Prior to successful completion of these training requirements, a STAR program direct care staff must be directly supervised by a person who has successfully completed the training requirements in this section.

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(6), (9) FS. History-New_____.

DEPARTMENT OF JUVENILE JUSTICE

Staff Development and Training

RULE CHAPTER NO.: RULE CHAPTER TITLE:

63H-1 Protective Action Response

RULE NOS.: RULE TITLES:

63H-1.002	Definitions
63H-1.003	Authorized Levels of Response
63H-1.004	Authorized Techniques
63H-1.005	Authorized Mechanical Restraints
63H-1.006	Supervision of Youth in Mechanical Restraints
63H-1.007	Documentation and Retention of Records
63H-1.008	Medical Requirements for Training
63H-1.009	Certification
63H-1.010	Cross-Over Training
63H-1.011	Rehired Employee Training
63H-1.012	Annual Training Requirement
63H-1.013	Testing Requirements
63H-1.014	Training Instructor Qualifications

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule sections in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No.

30, July 28, 2006, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing on August 21, 2006, and to those provided by the Joint Administrative Procedures Committee in an August 23 letter.

63H-1.002 Definitions.

(1) Active Resistance – Youth makes physically evasive movements to defeat an employee's attempts to control; for example, bracing, or attempting to push or pull away from an employee.

(2) Actively Engaged – An employee is participating in the practical performance or application of any one of the approved physical intervention techniques or mechanical restraints.

(3) Administrator – One whose primary responsibility is overseeing the daily operations of a facility, program or probation circuit.

(4) Aggravated Resistance – Youth makes overt, hostile, attacking movements with or without a weapon with the apparent intent and apparent ability to cause death or great bodily harm to the employee, self, or others; for example, striking with a stick, banging head against the wall, or swinging a razor blade.

(5) CJSTC – Criminal Justice Standards and Training Commission.

(6) Combative Resistance – Youth makes overt, hostile, attacking movements that may cause injury; ~~for example, slapping, pushing, or charging.~~

(7) Control Techniques – Techniques used to control and/or move a youth from point A to point B with minimum effort by the employee in order to gain and retain control over the youth.

(8) Countermoves – Techniques that impede a youth's movement toward an employee or others; for example, blocking, distracting, evading, redirecting, or avoiding.

(9) Designated Health Authority – ~~A physician who holds an active license under Chapters 458 or 459, F.S. This individual is responsible for the provision of necessary and appropriate health care to youth in the physical custody of a secure detention center or residential/correctional facility. An individual designated health authority shall be a physician (MD) or osteopathic physician (DO) who holds an active license pursuant to Chapter 458 or 459, F.S., respectively, and who meets all requirements to practice independently in the State of Florida.~~

(10) Dialogue – A two-way, controlled, non-emotional communication between the employee and the youth aimed at problem identification and/or resolution.

(11) Direct Care – Having direct contact with youth for the purpose of providing ~~provision of~~ care, supervision, custody, or control in a detention facility, delinquency program, or

commitment program within any restrictiveness level, operated by the department or by a provider under contract with the department.

(12) Facility – A contracted or state-operated ~~staff-secure or physically~~ secure environment that provides custody, care, or confinement of youth alleged or found to have committed a violation of law. This includes, but is not limited to, secure detention, law enforcement operated facilities, and residential commitment programs.

(13) Facility Employee – Any employee who exercises direct care in a facility.

(14) Hard Mechanical Restraints – Restraint devices constructed from inflexible material; for example, metal handcuffs, leg cuffs, and waist chains.

(15) Individual Health Care Record – The compilation of all records related to a youth's medical, dental and mental health.

(16) Master PAR Instructor – An advanced, qualified instructor who assists and monitors PAR instructors in maintaining quality delivery of PAR training and evaluation for PAR certification.

(17) Mechanical Restraints – This includes hard and soft mechanical restraints as defined in this rule.

(18) Mechanical Restraints Supervision Log – The form used to document ~~an~~ facility employee's use of mechanical restraints as a result of a Level 3 response, as defined in subsection 63H-1.003(3), F.A.C. The Mechanical Restraints Supervision Log (revised 6/01/06) is incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/mechanical_restraints_supervision_log.pdf).

(19) PAR Medical Release – The form signed and dated by a licensed physician that authorizes an employee to perform the physical intervention techniques that were checked on the Medical Status form. The PAR Medical Release (revised 8/15/03) is incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_medical_release.pdf).

(20) PAR Medical Status – The form signed and dated by a licensed physician that identifies the physical intervention techniques listed on the applicable PAR Training Plan an employee cannot perform and why. The PAR Medical Status (revised 6/01/06) is incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_medical_status.pdf).

(21) PAR Medical Review – The evaluation ~~review~~ deemed necessary as a result of the Post PAR Interview.

(22) Passive Resistance – The youth physically refuses to comply or respond. The youth does not attempt to physically defeat the actions of the employee but refuses to obey all verbal directives.

(23) Post PAR Interview – The interview conducted by the ~~Administrator designated health authority~~ or designee following a Level 2 or Level 3 response.

(24) Program – A contracted or state-operated non-residential environment providing supervision of youth who have been identified to receive services within the community. This includes, but is not limited to, probation, non-secure detention, home detention, juvenile assessment centers, Intensive Delinquency Diversion Services (IDDS) programs, conditional release programs, screening and intake units, and day treatment programs. This does not include prevention programs.

(25) Program Employee – Any employee who exercises direct care for a program.

(26) PAR – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with this rule, the Protective Action Response Escalation Matrix, and PAR training curricula.

(27) PAR Certification – This applies to an employee who has successfully completed PAR training as described in this rule. Only employees who are PAR trained are authorized to use PAR.

(28) PAR Escalation Matrix – The document that provides guidance as to the authorized level of response based upon the youth's level of resistance. This document articulates the five levels of resistance that may be displayed by a youth and the levels of response employees are authorized to use. The PAR Escalation Matrix (revised 6/01/06) is incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_escalation_matrix.pdf).

(29) PAR Incident Report – The form used to document the occurrence of an event where an employee has used one of the enumerated physical intervention techniques. The PAR Incident Report (revised 6/01/06) is incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_incident_report.pdf).

(30) PAR Performance Evaluation Forms – These forms are used to measure an employee's or PAR Instructor's ability to perform verbal and physical intervention techniques and apply mechanical restraints. The following forms are incorporated by reference and are available at the department's website listed below respectively:

(a) PAR Performance Evaluation – State operated facility/Contracted detention/ and Law Enforcement operated facility staff (revised 6/01/2006) (http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_state_operated.pdf).

(b) PAR Performance Evaluation – Contracted facility staff (revised 6/01/2006) (http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_contracted.pdf).

(c) PAR Performance Evaluation – Program staff (revised 8/15/2003) (http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_program_staff.pdf).

(d) PAR Performance Evaluation – PAR Instructors (revised 6/01/2006) (http://www.djj.state.fl.us/forms/sd/par_performance_evaluation_instructor.pdf).

(31) PAR Training Plan forms – These forms identify the specific techniques that program and facility employees shall be trained to use. The identified techniques are the only techniques employees are authorized to use (except where provided in Rule 63H-1.003 and .004, F.A.C.). The PAR Training Plan – Contracted facility staff ~~The following~~ form is incorporated by reference and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_training_plan.pdf).

~~(a) PAR Training Plan – State operated facility/Contracted detention/ and Law Enforcement operated facility staff (revised 6/01/2006)~~

~~(b) PAR Training Plan – Contracted facility staff (revised 6/01/2006)~~

~~(c) PAR Training Plan – Program staff (revised 8/15/2003).~~

(32) Soft Mechanical Restraints – Restraint devices that are made with flexible materials; for example, Velcro, nylon flex cuffs (also known as zip cuffs), and leather.

(33) Takedowns – Techniques that redirect a youth to the ground in a controlled manner in order to limit the youth's physical resistance and to facilitate the application of a restraint device, if needed.

(34) Touch – Employee uses a familiar touch when directing, or a custodial touch prior to escalating to a higher response level.

(35) Verbal Directions – Employee tells or commands a youth to engage in, or refrain from, a specific action or non-action.

(36) Verbal Resistance – Youth verbally refuses to comply with an employee's verbal attempts to control the situation.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055 FS. History–New _____.

63H-1.003 Authorized Levels of Response.

(1) LEVEL 1 RESPONSE – This level of employee response consists of verbal intervention techniques and shall be utilized in response to all levels of resistance by the youth. Verbal intervention techniques shall be the initial response by an employee to resistance by a youth except where physical intervention techniques are necessary to prevent: physical harm to the youth, employee or another person; property damage; or the youth escaping or absconding from lawful supervision.

(2) LEVEL 2 RESPONSE – In this level of response, verbal attempts to diffuse a youth or situation have been exhausted, and the youth has initiated passive, active, combative, or aggravated resistance. Physical intervention

techniques may encompass the use of touch, countermoves, control techniques, or takedowns as described in Rule 63H-1.004, F.A.C.

(3) LEVEL 3 RESPONSE – This level of response involves the use of mechanical restraints. The use of mechanical restraints is authorized in situations where a youth has initiated active, combative, or aggravated resistance, and in situations where a youth poses a physical threat to self, employees, or others. Rules 63H-1.005-.007, F.A.C., explain the duties and responsibilities of employees when using mechanical restraints. Rule 63H-1.004, F.A.C., describes the authorized mechanical restraint techniques for facility employees.

(4) All responses shall be commensurate with the youth's level of resistance according to the PAR Escalation Matrix and this rule.

(a) Additionally, responses shall only be used when reasonably necessary to control youth and only after all reasonable alternatives have been exhausted, including verbal persuasion, warnings, and verbal intervention techniques; or when the alternatives are considered inappropriate due to the rapid escalation of dangerous behavior.

(b) Prior authorization for the use of physical intervention techniques and mechanical restraints shall be obtained from the supervisor or acting supervisor unless doing so could result in physical harm to the youth, employee or another person, property damage, or the youth escaping or absconding from lawful supervision.

(c) PAR certified employees shall immediately report the following intervention actions to their immediate supervisor or acting supervisor, and these incidents shall be documented per Rule 63H-1.007, F.A.C.:

1. Level 2 responses including counter moves, control techniques, and takedowns.
2. Level 3 applications of soft or hard mechanical restraints.

(d) In the event a youth is armed with a weapon or firearm and there is imminent danger of bodily harm or death, facility and program employees shall, if possible, immediately request emergency assistance from local law enforcement, and if possible, isolate or contain the youth and request emergency assistance from law enforcement if application of the PAR Escalation Matrix is insufficient to control the youth. ~~Employees certified in CJSTC tactics shall use approved CJSTC tactics to control the youth, and then, if necessary, call for assistance from local law enforcement.~~

(e) If a youth is in the process of inflicting grave bodily harm, or possible death, upon others or self, facility and program employees shall immediately contact law enforcement. Employees are authorized to use reasonable and necessary means to stabilize the situation ~~even if they fall beyond the scope of PAR.~~ Employees certified in CJSTC

~~tactics shall use approved CJSTC tactics to control the youth, and then if necessary, call for assistance from local law enforcement.~~

~~(5) This rule prohibits the use of:~~

~~(a) a Taser on a youth;~~

~~(b) aerosol or chemical agents, including but not limited to oleoresin capsicum spray; and~~

~~(c) ammonia capsules, unless required for medical treatment of the youth by a licensed medical professional.~~

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History–New _____.

63H-1.004 Authorized Techniques.

(1) Protective Action Response, as authorized by the department, shall be the verbal and physical intervention program trained and utilized by direct care staff in state-operated and contracted facilities and programs.

(2) On or before August 31, 2006, existing contracted facilities shall submit a new PAR Training Plan to the Assistant Secretary of Staff Development and Training or designee through the department's Regional Director or designee, and thereafter notice of any change to this plan shall be submitted as described above within 30 calendar days of the changes' effective date. Newly contracted facilities, except contracted detention facilities, shall submit their PAR Training Plan as described above no less than 30 calendar days prior to becoming operational. The PAR Training Plan for contracted facility employees shall specify the following:

(a) All Stance and Body Movement techniques.

1. Reactionary Gap

2. Danger Zone

3. Interview Stance

4. Ready Stance

5. Approach

(b) All Countermoves.

1. High Block

2. Mid-range – Straight Arm Blows

3. Mid-range – Roundhouse Blows

4. X Block

5. Leg Raise

6. Evasive Sidestep (with and without redirection)

7. Wrist Releases

8. Front Choke Releases

9. Bear Hug Releases

10. Bite Escape

11. Headlock Escape

12. Full Nelson Escape

13. Double Arm Lock Escape

14. Hairpull Escapes

15. Ground Defense

(c) At a minimum, one (1) Touch technique.

1. Straight Arm Escort (Extended and Close)

2. Supportive Hold: Stage 1

(d) At a minimum, ~~four (4)~~ ~~three (3)~~ Control techniques, one of which must be Ground Control.

1. Ground Control

2. Basket Hold

3. Arm Bar

4. Arm Control

5. Wrap-around

6. Team Arm Control

7. Supportive Hold: Stages 2 & 3

(e) At a minimum, three (3) Takedown techniques.

1. Straight Arm to a Takedown

2. Basket Hold to a Takedown

3. Arm Bar to a Takedown

4. Wrap-around to a Single Person Takedown

5. Wrap-around to a Team Takedown

6. Supportive Hold to a Takedown: Stages 4 & 5

7. Immediate Team Takedown

(f) The following uses of Mechanical Restraints: standing front handcuffing and uncuffing, one (1) rear handcuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall). Other uses of mechanical restraints, if authorized under Rule 63H-1.005, F.A.C., may also be specified.

(g) Searches.

(h) The Wrap Around Control technique, and the Wrap Around to a Takedown technique will not be used on pregnant youth.

~~(3) Contracted Detention facilities shall comply with the PAR Training Plan for State Operated/Contracted Detention Facility Employees.~~

~~(3)(4)~~ The PAR Training Plan for State-Operated facility employees, Law Enforcement Operated employees, and Contracted Detention employees shall specify the following:

(a) All Stance and Body Movement techniques.

(b) All Countermoves.

(c) Searches.

(d) The Straight Arm Escort – Extended and Close Positions.

(e) All Control techniques, except Supportive Hold Control.

(f) All Takedowns, except Wrap-Around to a Single Person Takedown, Wrap-Around to a Team Takedown, and Stages 4 and 5 of Supportive Hold to a Takedown.

(g) Handcuffs and Leg Cuffs.

(h) The Wrap Around Control technique will not be used on pregnant youth.

~~(4)(5)~~ Direct Care employees in law enforcement operated facilities having been dually certified in the PAR Escalation Matrix, and the CJSTC Response to Resistance Matrix ~~use of~~

~~force continuum~~ shall be authorized to use the approved CJSTC tactics as outlined on the Response to Resistance Matrix when reasonably necessary to control a youth after the youth exhibits combative ~~physical~~ resistance as defined in this rule or aggressive physical resistance ~~as~~ (defined in CJSTC standards as overt, hostile, attacking movements that may cause injury, but are not likely to cause death or great bodily harm), and after PAR Escalation Matrix techniques have been exhausted; or when the alternatives are considered inappropriate due to the rapid escalation of dangerous behavior. The CJSTC Response to Resistance Matrix (CJSTC Form 85, 2/7/02) is incorporated by reference, and is available from the Assistant Secretary for Staff Development at 2737 Centerview Drive, Alexander Building, Suite 1416, Tallahassee, Florida 32399. This rule does not authorize the use of, and specifically prohibits direct care employees, whether dually certified or PAR certified, from using:

(a) A Taser on a youth;

(b) Aerosol or chemical agents, including but not limited to oleoresin capsicum spray;

(c) Ammonia capsules, unless required for medical treatment of the youth by a licensed medical professional;

~~(5)(6)~~ The PAR Training Plan for Program employees shall specify:

(a) All Stance and Body Movement techniques; and

(b) All Countermoves.

~~(6)(7)~~ PAR certified facility and program employees shall only use the techniques that are specified on the applicable PAR Training Plan, and PAR certified facility employees shall only use the ~~and~~ mechanical restraints that are specified on the applicable PAR Training Plan.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History–New _____.

63H-1.005 Authorized Mechanical Restraints.

(1) The department authorizes the use of only those mechanical restraints addressed in this rule. All mechanical restraints shall be designed and manufactured for the specific purpose of secure transport or restraint.

~~(2)(a)~~ Authorized mechanical restraints to be used within a facility are as follows: handcuffs, leg restraints, restraint belt, soft restraints, and waist chains.

~~(a)1-~~ Handcuffs. The availability and versatility of handcuffs make their use practical in most restraint situations. Handcuffs are light, flexible, and easy to apply. Standard handcuffs, used by most law enforcement agencies, are approved for use.

~~(b)2-~~ Restraint Belt. A restraint belt may be used with handcuffs when added security is needed. The restraint belt is a leather or nylon belt that is secured behind the back of the youth with an independent lock, buckle, or Velcro fastener. The

belt is fashioned so that handcuffs secured to the front of the belt provide an alternative to restraining a youth's hands in the behind-the-back position.

~~(c)3-~~ Leg restraints. Leg restraints are similar to handcuffs, but usually have a 15-inch chain separating the restraints. Leg restraints are typically used in conjunction with handcuffs to restrict the movement of the feet and legs.

~~(d)4-~~ Soft restraints. Soft restraints, such as nylon flex cuffs (also known as zip cuffs), or Velcro or leather devices, are authorized for use as an alternative to hard restraints.

~~(e)5-~~ Waist chains. Waist chains are designed to limit arm movement and keep hands visible at all times by securing them at the youth's waist. Waist chains are typically used only for transportation. There are two basic types: a nickel plated chain, usually 60 inches long with a sturdy cuff clip to permit quick attachment of handcuffs; or a similar chain with handcuffs permanently attached.

~~(3)(b)~~ The use of mechanical restraints, and the circumstances surrounding their use, shall be carefully reviewed and regularly monitored by the regional office to ensure compliance with this rule (see paragraph 63H-1.007(2)(b), F.A.C.).

~~(4)(e)~~ Mechanical restraints are authorized for use while transporting youth.

~~(5)(d)~~ There are two authorized methods to use when handcuffing a youth: hands in front of the youth, and hands behind the youth's back.

~~(6)(e)~~ All facilities, except low and moderate risk facilities, shall use mechanical restraints to transport youth. Leg restraints and front handcuffing shall be used to transport. The use of handcuffs and leg restraints is not required when transporting youth residing in low and moderate-risk facilities except when a youth has demonstrated that he or she cannot be transported by less restrictive methods, and has been assessed as a security risk.

~~(7)(f)~~ Prohibited use of mechanical restraints includes the use of neck restraints, the restraint chair, and the securing of youth to a fixed object.

~~(8)(g)~~ No more than two youth may be chained or handcuffed together.

~~(9)(h)~~ A youth's legs and hands may be secured together in the front with the use of waist chains or a restraint belt, in which case the length of the chain securing the youth's legs and hands together shall not prohibit the youth from standing in a full upright position. Securing a youth's legs and hands together behind the youth's back is prohibited.

~~(10)(i)~~ If handcuffs are used on pregnant youth, they shall be cuffed in front. Leg restraints, waist chains, and the restraint belt shall not be used on pregnant youth.

~~(11)(k)~~ Except as provided herein, during transports all violent and escape risk youth shall be handcuffed with their hands in front with the use of a restraint belt or waist chains; or the hands shall be cuffed behind the back.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History--New _____.

63H-1.006 Supervision of Youth in Mechanical Restraints.

(1) Youth secured in mechanical restraints pursuant to Rule 63H-1.003, F.A.C., shall be supervised in accordance with this section.

(2) At no time will a youth be left without constant, full, and direct visual supervision by an employee. The youth shall not be placed in an upper bunk or in any position that does not permit constant, full, and direct visual supervision. Youth shall not be stripped of their clothing.

(3) Employees responsible for providing constant, full, and direct visual supervision shall have physical possession of the key to unlock the mechanical restraints.

(4) While a youth is placed in mechanical restraints, employees shall:

(a) Employ verbal intervention techniques designed to de-escalate the need for mechanical restraints.

(b) Continually monitor the youth's level of resistance, aggressiveness, and willingness to comply with instructions to determine whether removal of restraints is safe and advisable.

(c) Conduct breathing and circulation checks at ten-minute intervals. These ten-minute checks shall be documented on the Mechanical Restraints Supervision Log.

(5) If a restrained youth continues to exhibit negative, hostile, and/or aggressive behavior so that removal of mechanical restraints is unsafe, the supervisor or acting supervisor shall interview the youth and decide if it is safe to remove the mechanical restraints. This interview shall occur no more than 30 minutes after the youth is placed in restraints. If it is decided that it is unsafe to remove the restraints, the supervisor or acting supervisor shall document the decision on the Mechanical Restraints Supervision Log. If authorization is obtained from the Superintendent, Residential Program Director, or designee to continue the use of restraints, another interview shall occur no more than one (1) hour after the youth was placed in restraints ~~previous interview~~. Each time the decision is made that it is unsafe to remove the restraints, the decision shall be documented as described above.

(6) Authorization Requirements:

(a) A youth may remain in mechanical restraints up to 60 minutes with the supervisor's or acting supervisor's authorization.

(b) In order to keep the youth in mechanical restraints for 60 to 120 minutes, the supervisor or acting supervisor shall obtain authorization from the Superintendent, Residential Program Director, or designee who shall first consult with a licensed medical and/or mental health professional before authorizing additional time. This authorization shall be obtained within the initial 60-minute timeframe. This consultation and authorization shall be documented on the

Mechanical Restraints Supervision Log by specifying the name of the professional who was consulted, the time contacted, and the amount of time authorized.

(c) In order to keep the youth in mechanical restraints beyond 120 minutes, the same procedures apply as described in paragraph (b) above for each subsequent 60-minute timeframe.

(7) If at any point during the restraint it is determined that transportation to an appropriate treatment center is necessary, the supervisor or acting supervisor shall request verbal authorization from the Superintendent, Residential Program Director, or designee to initiate procedures to transport the youth. This verbal authorization and the time the authorization was received shall be documented on the Mechanical Restraints Supervision Log. The licensed medical or mental health professional may come to the facility or the youth may be transported to an appropriate treatment center.

(8) If a youth is being transported to a mental health facility, the facility shall be telephoned in advance that the youth is being transported.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History--New _____.

63H-1.007 Documentation and Retention of Records.

(1) Documentation:

(a) A PAR Report shall be completed after an incident involving the use of countermeasures, control techniques, takedowns, or application of mechanical restraints.

(b) The employees who were engaged with the youth shall complete the PAR Report and shall complete it no later than the end of the employee's workday.

(c) When mechanical restraints are used as a result of a level 3 response, the Mechanical Restraints Supervision Log shall be completed.

(d) All reports of incidents in which employees are trained in the use of CJSTC techniques ~~that utilize PAR or CJSTC techniques~~ shall be completed according to the facility's reporting documentation procedures.

(2) Review and Retention of Records:

(a) The PAR Incident Report shall be reviewed by the administrator or designee within 72-hours of the incident, excluding weekends and holidays.

(b) A monthly summary of all PAR Incident Reports shall be submitted to the regional director or designee within two weeks of the end of each month.

~~(c)(b)~~ Post PAR Interview: The ~~designated health authority or administrator's or designee~~ shall interview the youth. The purpose of the interview is to determine if a youth has any physical complaints, any visible injuries, is unable to answer questions appropriately, is not fully alert, appears short of breath or distressed in any way, or demonstrates anything else of concern to the interviewer, then a PAR Medical Review is mandatory whether obvious injuries occurred, if the youth

~~complains of pain, or if the youth exhibits signs or symptoms that to a lay person indicate a PAR Medical Review is necessary.~~ This interview must be conducted as soon as possible, but no longer than thirty minutes after the incident. The findings of the interview shall be placed in the youth's individual health care record, and labeled "Post PAR Interview" and shall be dated, timed, and signed by the individual conducting the interview. This individual shall also sign and date the PAR Report.

~~(d)(c)~~ PAR Medical Review:

1. If the Post PAR Interview indicates the need for a PAR Medical Review the youth shall be referred to the licensed a certified medical health professional (Physician, Advanced Registered Nurse Practitioner, Registered Nurse, or Licensed Practical Nurse) on site. If a medical health professional is not on site, then the youth must be sent off site for this evaluation.

2. The purpose of the Medical Review is to determine, from a medical perspective, if injuries or complications occurred as a result of the physical intervention or application of mechanical restraints, and if the youth requires further medical treatment.

3. Descriptions of injuries or complications and medical treatment provided shall be filed in the youth's individual health care record.

4. If an onsite review is conducted, the documentation shall be labeled, "PAR Medical Review," ~~and it shall conform to professional standards.~~ If an offsite review is conducted, the youth's individual health care record and medication administration record shall accompany the youth to the review. Prior to placing the documentation in the individual health care record, the top of each page returned by the reviewer shall be dated and labeled, with "PAR Medical Review."

~~(e)(d)~~ The supervisor or designee shall review the PAR Incident Report, including the Post PAR Interview and the PAR Medical Review shall occur after the supervisor or acting supervisor has reviewed the PAR Report and prior to the report being submitted to the Administrator or designee.

~~(f)(e)~~ The Administrator shall establish and maintain a centralized file, which shall include:

1. PAR Incident Reports, and attachments to the PAR Incident Report.

2. Any other incident reports or investigative reports related to the application of physical intervention techniques and/or mechanical restraints.

3. A copy of the PAR Report shall be placed in the facility's or program's centralized file within 48 hours of being signed by the Administrator.

~~(g)(f)~~ Facilities/Programs shall retain a copy of the PAR Incident Report for three (3) years following the youth's release.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History--New _____.

63H-1.008 Medical Requirements for Training.

(1) The following provisions apply to the Medical Status form:

(a) If an employee ~~has believes~~ a medical condition ~~exists~~ that ~~they believe~~ will prohibit performance of one or more physical intervention techniques, the employee shall submit the Medical Status form attached to this rule to his or her licensed physician for completion. The physician shall specify the date by which he or she anticipates that the employee will be able to perform the techniques, or shall specify that the employee is permanently unable to perform the techniques. If the employee is permanently unable to perform the techniques, he or she will no longer be eligible to work in a direct care position.

(b) The employee's physician shall be provided with a description or a video of the techniques by the employee's facility, program or circuit office.

(c) Upon completion by the physician, the employee shall submit the Medical Status form to the Administrator. ~~The Administrator shall review the form on a case by case basis.~~ The Administrator shall have the authority to take necessary and appropriate personnel action based upon his or her review of the form or if the Medical Status form is not submitted within 45 calendar days.

~~(d) It shall be within the Administrator's discretion as to whether the employee is eligible to attend a PAR training course or sit for the PAR written examination. However, the employee shall not practice or be evaluated on the physical intervention techniques until a Medical Release form is obtained. If the employee is registered for a PAR training course, the sending facility/program shall notify the PAR Instructor that the employee is on Medical Status.~~

(2) Upon expiration of the date specified on the Medical Status form or when an employee is able to perform the specified physical intervention techniques, whichever is earlier, the employee shall submit the Medical Release form attached to this rule to his or her licensed physician for completion. Upon completion by the physician, the employee shall submit the Medical Release form within 10 working days. If a sending facility/program has an employee who previously attended a PAR training course and who was on Medical Status, the facility/program shall notify the PAR Instructor that the employee has been issued a Medical Release and is eligible to practice and be evaluated on the physical intervention techniques.

(3) Medical Status and Medical Release forms, or copies thereof, are confidential records and shall be maintained in accordance with state Personnel rules, or if a contracted facility or program, in accordance with the organization's applicable policy. The Medical Status and Medical Release forms shall not be submitted to the PAR Instructor.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History--New _____.

63H-1.009 Certification.

(1) Any employee not PAR Certified prior to 7/01/2006 shall be required to become PAR certified by 9/30/2006.

(2) Any employee hired on or after 7/01/2006, must become PAR certified within 90 calendar days following his or her date of hire.

(3) Any employee who exercises direct care prior to receiving PAR certification must be directly supervised by an employee who is PAR certified.

(4) Employees shall be PAR certified by successfully completing the PAR training designed for facility or program employees, whichever is applicable. Successful completion requires:

(a) Attendance and participation in the training hours specified in the employee's PAR curriculum (40 hours for Facility employees and 32 hours for Program employees). Employees shall participate in the performance of all physical intervention techniques and mechanical restraints being taught during the training session.

(b) A minimum score of seventy-five percent (75%) on the PAR written examination.

(c) One-hundred percent (100%) satisfactory performance of the techniques specified on the applicable PAR Performance Evaluation form.

(5) All PAR training must be conducted by a certified PAR Instructor (Rule 63H-1.014, F.A.C.).

~~(6)(5)~~ To ensure that all employees are properly observed, are able to receive constructive feedback, and are properly evaluated, the instructor to employee ratio, for employees who are actively engaged, shall be no more than 1:8 during the performance-based segment of a PAR training session. There is no required ratio during the non performance-based segment of a PAR training session.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b), (e) FS. History--New _____.

63H-1.010 Cross-Over Training.

(1) A PAR certified employee who crosses over from a program position to a facility position, or vice versa, shall successfully complete all objectives of the PAR certification curriculum applicable to his or her new position which are not duplicative of the PAR certification objectives previously completed by the employee. Such completion must occur within 90 calendar days following the employee's cross-over date. ~~The department shall determine the training and testing required for each cross-over situation.~~

(2) When a state-operated or contracted facility hires a PAR certified facility employee who was trained under a different PAR Training Plan, a PAR Instructor shall train the employee, and evaluate the employee's performance on any techniques that the employee has not been trained to perform. The employee is not required to re-take the written PAR examination. The PAR Instructor shall use the PAR

Performance Evaluation for facility employees. If the employee is unable to perform the new techniques, ~~even~~ after reasonable remediation, the employee shall not be considered PAR certified for purpose of his or her employment in the new facility or program.

(3) When a PAR Performance Evaluation is completed for PAR certification or PAR Instructor certification, a copy shall be provided to the exam administrator at the written examination site. For PAR Train-the-Trainer courses, a copy of the PAR Instructor Skills Evaluation form shall also be provided to the exam administrator.

(a) If the PAR Performance Evaluation or PAR Instructor Skills Evaluation forms cannot be completed prior to the written examination, it shall be submitted to the Assistant Secretary of Staff Development and Training as soon as possible after completion.

(b) The PAR Performance Evaluation shall be submitted for everyone regardless of whether they passed or failed the evaluation or have a Medical Status form.

(4) Law enforcement operated facility employees certified as Law enforcement, Correctional, or Detention officers by CJSTC ~~certified employees~~ are governed by Rule 63H-1.016, F.A.C.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History--New _____.

63H-1.011 Rehired Employee Training.

(1) Employees who resign from their employment with the department or contracted facility or program and are subsequently re-hired shall have their PAR certification reinstated by successfully completing PAR training for facility or program employees, whichever is applicable. This paragraph is applicable only if the employee has failed to timely and successfully complete the annual in-service training requirement addressed in this section prior to terminating employment.

~~(2)(a)~~ If an employee is rehired within 12 calendar months of termination and has successfully completed the annual in-service requirements, the employee's PAR Certification is current.

~~(3)(b)~~ If an employee is rehired after 12 calendar months of termination, the employee must satisfy the following requirements:

~~(a)1-~~ Attend a minimum of 8 hours of remedial training, and

~~(b)2-~~ Obtain 100% satisfactory performance of the techniques specified on the employee's PAR Training Plan using the PAR Performance Evaluation.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History--New _____.

63H-1.012 Annual Training Requirement.

(1) ~~All Program~~ employees shall complete a minimum of ~~eight (8) four (4)~~ hours of annual in-service training. ~~Facility employees shall complete a minimum of eight (8) hours.~~

(2) The annual in-service training shall include, at a minimum, the following:

(a) A review of this rule, including revisions, and other facility or program PAR administrative procedures.

(b) Instructions on how and when to properly complete the PAR Report.

(c) Practice of all physical intervention techniques checked on the applicable PAR Training Plan and, at a minimum, practice in the use of all mechanical restraints authorized by the facility's PAR Training Plan.

(3) Successful completion of the annual in-service training requires 100 percent attendance and participation in the training program. The training hours do not have to be consecutive. If a facility or program employee fails to successfully complete this annual in-service training within twelve (12) months of their last PAR Training, they will no longer be authorized to use Level 2 or Level 3 Responses, and must attend a minimum of 8 hours of remedial training, to include 100 percent satisfactory performance of the techniques specified on the employee's PAR Training Plan using the PAR Performance Evaluation.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History--New _____.

63H-1.013 Testing Requirements.

(1) If a candidate fails the PAR written examination, they are only required to attend the remedial classroom training.

(2) PAR Instructors shall conduct a practical examination utilizing the applicable PAR Performance Evaluation to evaluate a facility or program employee's ability to perform verbal intervention techniques and the physical intervention techniques and mechanical restraints that are specified on the PAR Training Plan.

(a) If a PAR Instructor candidate or facility or program employee fails the PAR Performance Evaluation, the PAR Instructor candidate or employee is considered to only have failed the performance evaluation, not the written evaluation. Therefore, when remedial training is provided, the PAR Instructor candidate or employee is only required to attend the performance-based segment of the training.

(b) Test candidates shall have no more than three (3) attempts to pass the written exam. Accommodations based upon the Americans with Disabilities Act will be made as necessary.

(c) Test candidates shall adhere to the following schedule for second and third attempts to pass the written exam:

1. The second attempt shall occur no less than 3 calendar days after and no more than 45 calendar days after the first attempt.

2. The third attempt shall occur no less than 21 calendar days after and no more than 45 calendar days after the second attempt.

(3) For annual in-service training, use of the PAR Performance Evaluation is not required.

(4) One PAR Performance Evaluation form shall be used for each attempt that a facility or program employee makes to pass the performance evaluation. The term, "attempt," is described below.

(a) ATTEMPT 1: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's first attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee shall attend remediation on a different date for Attempt 2 and at that time shall be evaluated on the failed techniques. An employee who fails four (4) or more techniques on Attempt 1 shall attend remediation on a different date for Attempt 2 and at that time shall be evaluated on the failed techniques.

(b) ATTEMPT 2: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employees on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's second attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee shall attend remediation on a different date for Attempt 3 and at that time shall be evaluated on the failed techniques. An employee who fails four (4) or more techniques on Attempt 2 shall attend remediation on a different date for Attempt 3 and at that time shall be evaluated on the failed techniques.

(c) ATTEMPT 3: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's third attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee is considered to have failed his or her third attempt. An employee who fails four (4) or more techniques on Attempt 3 shall not have an opportunity to receive remediation and is considered to have failed his or her third attempt.

(5) Program employees shall be evaluated, using the PAR Performance Evaluation for Program employees, on all physical intervention techniques that are specified in the PAR Training Plan for Program employees.

(6) State-Operated facility employees, Law Enforcement operated facility employees and contracted detention facility employees shall be evaluated, using the PAR Performance Evaluation for State-Operated facility employees/Law enforcement operated employees/Contracted Detention

Facility employees, on various physical intervention techniques specified on the PAR Training Plan for State-Operated facility employees/Contracted Detention Facility employees, using the following guidelines:

- (a) All Stance and Body Movement techniques;
- (b) All Countermoves;
- (c) The Straight Arm Escort – Extended and Close Positions;
- (d) Three (3) Control techniques, as selected by the employee;
- (e) Three (3) Takedown techniques, as selected by the employee;
- (f) Three Mechanical Restraint techniques, as selected by the employee. The techniques selected shall include front handcuffing and uncuffing, one (1) rear handcuffing and uncuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall); and
- (g) Searches.

(7) Contracted facility employees, shall be evaluated using the PAR Performance Evaluation for Contracted Facility employees, on various physical intervention techniques specified on the employee's PAR Training Plan for Contracted Facility employees, using the following guidelines:

- (a) All Stance and Body Movement techniques;
- (b) All Countermoves;
- (c) One (1) Touch technique, as selected by the employee;
- (d) Three (3) Control techniques, as selected by the employee;
- (e) Three (3) Takedown techniques, as selected by the employee;
- (f) Three Mechanical Restraint techniques, as selected by the employee. The techniques selected shall include one (1) front handcuffing and uncuffing technique, one (1) rear handcuffing and uncuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall); and
- (g) Searches.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History–New _____.

63H-1.014 Training Instructor Qualifications.

(1) PAR Instructor Candidate requirements:

(a) One year of experience, working full time, in ~~the juvenile justice, criminal justice, or juvenile social services or related field;~~

(b) PAR certification;

(c) Successful completion of the Instructor Techniques Workshop 80-hour course ~~Criminal Justice Standards & Training Commission Instructor Techniques Workshop (ITW) certified;~~ and

(d) Successful completion of the PAR Train-the-Trainer 80-hour course conducted by a Master PAR Instructor. An instructor candidate shall be allowed to attend a PAR Train-the-Trainer course only if he or she has achieved the requirements in paragraphs (a), (b), and (c).

(e) PAR Instructor candidates shall demonstrate proficiency for all physical intervention techniques and mechanical restraints listed on the PAR Instructor Performance Evaluation form. In addition, the Instructor candidate must demonstrate the ability to verbally communicate how the techniques are to be performed. The demonstration shall be evaluated by one Master PAR Instructor and one PAR Instructor.

(f) Satisfactory demonstration of presentation skills using the PAR Instructor Skills Evaluation form. The PAR Instructor Skills Evaluation form (revised 6/01/06) is incorporated by reference, and is available at the department's website (http://www.djj.state.fl.us/forms/sd/par_performance_evaluation.pdf).

~~(2)(3)~~ A score of 85 percent or higher on the PAR written examination. The instructor candidate shall have two attempts to pass the examination.

~~(3)(4)~~ One PAR Performance Evaluation for PAR Instructors form shall be used for each attempt that the instructor candidate makes to pass the performance evaluation. The instructor candidate shall have two attempts to pass the evaluation.

(a) If remediation is required, the Master PAR Instructor shall have the discretion to determine whether remediation will be conducted on-site or at a future date. If remediation occurs at a future date, the instructor candidate shall be evaluated, at the second attempt, on all techniques initially evaluated.

(b) If the instructor candidate fails the second attempt, he or she shall not be certified as a PAR Instructor. However, this candidate is eligible to attend the PAR Train-the-Trainer course again, provided all other criteria for becoming a PAR Instructor remain current.

~~(4)(5)~~ Demonstrations of the physical intervention techniques and presentation skills shall be videotaped. The videotapes shall be submitted to the Assistant Secretary for Staff Development and Training within thirty (30) working days after completion of the evaluations.

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(c) FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-13.004
 RULE TITLE: Continuing Education

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 37, September 15, 2006 issue of the Florida Administrative Weekly.

The Notice of Proposed Rulemaking was incorrectly announced in the Notice of Change, was published in the September 15, 2006, Vol. 32, No. 37 issue of the Florida Administrative Weekly.

The correct date, volume, and number of the Notice of Proposed Rulemaking is: August 18, 2006, Vol. 32, No. 33

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.006
 RULE TITLE: Licenses and Signs in Office
 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. 15, April 14, 2006 issue of the Florida Administrative Weekly.

This change was made to address a concern expressed by the Joint Administrative Procedure Committee.

When changed, subsection (2) shall read as follows:

(2) A licensed practitioner who is not a certified optometrist shall display at every location at which he practices optometry a sign in at least Times New Roman 40 point font size or Courier New 44 point font size which states: "I am a Licensed Practitioner, not a Certified Optometrist, and I am not able to prescribe topical ocular pharmaceutical agents."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-3.009
 RULE TITLE: False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure

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. 15, April 14, 2006 issue of the Florida Administrative Weekly.

This change was made to address a concern expressed by the Joint Administrative Procedure Committee.

When changed, subsection (8) shall read as follows:

(8) Any advertisement for free or discounted services must contain the disclaimer required by Section 456.062, F.S. in at least Times New Roman 40 point font size or Courier New 44 point font size.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-17.005 Continuing Education Requirements After Initial Licensure

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. 30, July 28, 2006 issue of the Florida Administrative Weekly.

The rule shall read as “During the first biennium of initial licensure, practitioners are required to obtain 5 hours of continuing education in the subject area of risk management by attending one full day of a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted. The practitioner is then exempt from any other continuing education requirements for his or her first renewal except for hours mandated for prevention of medical errors and HIV/AIDS.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.: RULE TITLES:

64D-3.001 Definitions
64D-3.002 Notifiable Diseases or Conditions to Be Reported, Human
64D-3.003 Notification by Laboratories
64D-3.0031 Notification by Others
64D-3.004 Notifiable Disease Case Report Content
64D-3.005 Authority, DOH County Health Department Director or Administrator and State Health Officer
64D-3.006 Reports, Medical Facilities and Freestanding Radiation Therapy Centers
64D-3.007 Quarantine, Requirements
64D-3.0071 Public Health Emergency

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64D-3.038

Transportation and Removal of Quarantined Persons and Animals
Laboratory Examinations, Release From Quarantine

Quarantine Disinfection Procedures, Concurrent and Terminal

Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and

Kindergarten Through 12; Forms and Guidelines

Diseased Animals

Procedures for Control of Specific Communicable Diseases

Sensitive Situations

Diseases Designated as Sexually Transmissible Diseases

Reporting Requirements for Practitioners for Sexually

Transmissible Diseases (STDs), Including HIV and AIDS

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Content is Confidential

Authority of the DOH County Health Department Director or

Administrator and State Health Officer

Quarantine Orders and Requirements

64D-3.039 Diseased Animals
 64D-3.040 Procedures for Control of Specific Communicable Diseases
 64D-3.041 Epidemiological Investigations
 64D-3.042 STD Testing Related to Pregnancy
 64D-3.043 Tuberculosis Treatment and Follow-up
 64D-3.044 Allocation Methodology for the Distribution of Funds Appropriated for Tuberculosis Control
 64D-3.045 Execution of Certificate for Involuntary Hold for Tuberculosis
 64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, and Kindergarten through 12, and Adult Education Classes
 64D-3.047 Enforcement and Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the purposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 24, June 16, 2006, issue of the Florida Administrative Weekly.

(TEXT OF PROPOSED RULE CHANGES)

64D-3.001 Definitions. Repealed.

Editorial Note: See 64D-3.028

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

Editorial Note: See 64D-3.029

64D-3.003 Notification by Laboratories. Repealed.

Editorial Note: See 64D-3.031

64D-3.0031 Notification by Others, Repealed.

Editorial Note: See 64D-3.033

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

Editorial Note: See 64D-3.036

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

Editorial Note: See 64D-3.037

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

Editorial Note: See 64D-3.032 & 64D-3.034

64D-3.007 Quarantine, Requirements. Repealed.

Editorial Note: See 64D-3.038

64D-3.0071 Public Health Emergency. Repealed.

Editorial Note: See 64D-3.038

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

Editorial Note: See 64D-3.038

64D-3.009 Laboratory Examinations, Release From Quarantine. Repealed.

Editorial Note: See 64D-3.038

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

Editorial Note: See 64D-3.038

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

Editorial Note: See 64D-3.046

64D-3.012 Diseased Animals. Repealed.

Editorial Note: See 64D-3.039

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

Editorial Note: See 64D-3.040

64D-3.014 Sensitive Situations. Repealed.

Editorial Note: See 64D-3.038(4)(a)

64D-3.015 Diseases Designated as Sexually Transmissible Diseases. Repealed.

Editorial Note: See 64D-3.028(22)

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

Editorial Note: See 64D-3.030

64D-3.017 Reporting Requirements for Laboratories. Repealed.

Editorial Note: See 64D-3.031

64D-3.018 Partner Notification. Repealed.

Editorial Note: See 64D-3.041

64D-3.019 Blood Testing of Pregnant Women. Repealed.

Editorial Note: See 64D-3.042

64D-3.020 Enforcement and Penalties. Repealed.

Editorial Note: See 64D-3.047

64D-3.021 Definitions. Repealed

Editorial Note: See 64D-3.028

64D-3.022 Reporting Requirements for Individuals. Repealed

Editorial Note: See 64D-3.030

64D-3.023 Reporting Requirements for Laboratories. Repealed

Editorial Note: See 64D-3.031

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

Editorial Note: See 64D-3.043

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

Editorial Note: See 64D-3.044

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

Editorial Note: See 64D-3.045

64D-3.027 Reporting of Congenital Anomalies. Repealed

Editorial Note: See 64D-3.035

64D-3.028 Definitions.

(18) "Human Immunodeficiency Virus (HIV) Exposed Newborn" – An infant 18 months of age or younger born to a HIV infected woman.

Editorial Note: Formerly 64D-3.001, 64D-3.014, 64D-3.015 & 64D-3.021.

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. Reporters are not prohibited from reporting diseases and/or conditions not listed by rule.

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

(a) "Notifiable Diseases or Conditions" – The definitions of "case" and "suspected case" for reportable diseases or conditions are set forth in "Surveillance Case Definitions for Select Reportable Diseases in Florida," incorporated by reference, available online at: www.doh.state.fl.us/disease_ctr/epi/topics/surv.htm. For any disease or condition for which Florida surveillance case definitions do not exist, the CDC case definitions set forth in Nationally Notifiable Infectious Diseases, Definition of Terms Used in Case Classification, incorporated by reference, available online at: www.cdc.gov/epo/dphsi/casedef/definition_of_terms.htm should be used. Also see the footnotes to subsection (3).

(b) "Suspect Immediately" – A notifiable condition or urgent public health importance. 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 suspected 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) "Immediately" – A notifiable condition of urgent public health importance. Report without delay upon the occurrence of any of the following: 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 hour's duty official at (850)245-4401.

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

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

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

Practitioner Reporting					Laboratory Reporting						
Notifiable Diseases or Conditions	Timeframes				Evidence of current or recent infection with etiological agents	Submit isolates or specimens for confirmation*1	Timeframes				
	Suspect Immediately	Immediately	Next Business Day	Other			Suspect Immediately	Immediately	Next Business Day	Other	
Any disease outbreak in a community, hospital or other institution or a foodborne or waterborne outbreak	X	X			Any grouping or clustering of patients having similar etiological agents that may indicate the presence of a disease outbreak		X	X			
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	X	X			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.		X	X			
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						
Creutzfeldt-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			
Eastern equine encephalitis virus neuroinvasive and non-neuroinvasive disease			X		Eastern equine encephalitis virus	X			X		
Ehrlichiosis, human granulocytic (HGE)			X		Ehrlichia phagocytophilia.				X		

Ehrlichiosis, human monocytic (HME)			X		Ehrlichia chaffeensis				X	
Ehrlichiosis, human other or unspecified agent-			X		Ehrlichia species other				X	
Encephalitis, other (non-arboviral)			X		Isolation from or demonstration in brain or central nervous system tissue or cerebrospinal fluid, of any pathogenic virus				X	
Enteric disease due to <i>Escherichia coli</i> O157:H7		X			<i>Escherichia coli</i> O157:H7	X		X		
Enteric disease due to other pathogenic <i>Escherichia coli</i> *7		X			<i>Escherichia coli</i> *7			X		
Giardiasis (acute)			X		<i>Giardia</i> species				X	
Glanders	X	X			<i>Burkholderia mallei</i> ,	X	X	X		
Gonorrhea			X		<i>Neisseria gonorrhoeae</i>				X	
Gonorrhea in children ≤ 12 years of age*4			X		<i>Neisseria gonorrhoeae</i>				X	
Gonorrhea in pregnant women and neonates			X		<i>Neisseria gonorrhoeae</i>				X	
Gonorrhea (Antibiotic Resistant)			X		<i>Neisseria gonorrhoeae</i> *8				X	
Graunuloma Inguinale			X		<i>Calymmatobacterium granulomatis</i>				X	
<i>Haemophilus influenzae</i> , meningitis and invasive disease	X	X			<i>Haemophilus influenzae</i>	X	X	X		
Hansen disease (Leprosy)			X		<i>Mycobacterium leprae</i>				X	
Hantavirus infection		X			Hantavirus	X		X		
Hemolytic uremic syndrome		X			Not Applicable					
Hepatitis A*9		X			Hepatitis A*9			X		
Hepatitis B, C, D, E and G Virus*9			X		Hepatitis B, C, D, E and G Virus*9				X	
Hepatitis B surface antigen (HBsAg)-positive in a pregnant woman or a child up to 24 months old			X		Hepatitis B surface antigen (HBsAg)				X	
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*10			X		HSV 1 or HSV 2 by direct FA, PCR, DNA or Culture*10				X	
HSV – anogenital in children ≤ 12 years of age*4*10			X		HSV 1 or HSV 2 by direct FA, PCR, DNA or Culture*10				X	
Human immunodeficiency virus (HIV)				2 Weeks	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.*11					3 days
Human immunodeficiency virus (HIV) Exposed Newborn – infant ≤ 18 months of age born to a HIV infected woman			X		Not Applicable					
Human papilloma virus (HPV) associated laryngeal papillomas or recurrent respiratory papillomatosis in children ≤6 years of age*4			X		HPV DNA				X	
HPV – anogenital in children ≤12 years of age*4			X		HPV DNA				X	
HPV cancer associated strains*12			X		DNA typing of HPV strains 16, 18, 31, 33, 35, 36, 45 Abnormal histologies consistent with Bethesda 2001 Terminology*13				X	
Influenza due to novel or pandemic strains	X	X			Isolation of influenza virus from humans of a novel or pandemic strain	X	X	X		
Influenza-associated pediatric mortality in persons aged < 18 years		X			Influenza virus – associated pediatric mortality in persons aged <18 years (if known)	X		X		
Lead poisoning*14			X		All blood lead tests with detectable blood lead values*14				X	

Legionellosis			X	<i>Legionella</i> species				X
Leptospirosis			X	<i>Leptospira interrogans</i>				X
Listeriosis		X		<i>Listeria monocytogenes</i>			X	
Lyme disease			X	<i>Borrelia burgdorferi</i>				X
Lymphogranuloma Venereum (LGV)			X	<i>Chlamydia trachomatis</i>				X
Malaria			X	<i>Plasmodium falciparum</i> , <i>P. vivax</i> , <i>P. ovale</i> , <i>P. malariae</i>	X			X
Measles (Rubeola)	X	X		Measles virus*15	X	X	X	
Melioidosis	X	X		<i>Burkholderia pseudomallei</i>	X	X	X	
Meningitis, bacterial, cryptococcal and mycotic (other than meningococcal or <i>H. influenzae</i> or pneumococcal)			X	Isolation or demonstration of any bacterial or fungal species in cerebrospinal fluid				X
Meningococcal Disease, includes meningitis and meningococemia	X	X		<i>Neisseria meningitidis</i> (serogroup needed)	X	X	X	
Mercury poisoning			X	Laboratory results as specified in the surveillance case definition for mercury poisoning				X
Mumps			X	Mumps virus				X
Neurotoxic shellfish poisoning		X		Laboratory results as specified in the surveillance case definition for Neurotoxic shellfish poisoning			X	
Pertussis		X		<i>Bordetella pertussis</i>			X	
Pesticide-related illness and injury			X	Laboratory results as specified in the surveillance case definition for pesticide related illness and injury				X
Plague	X	X		<i>Yersinia pestis</i>	X	X	X	
Poliomyelitis	X	X		Poliovirus	X	X	X	
Psittacosis (Ornithosis)			X	<i>Chlamydophila psittaci</i> (formerly known as <i>Chlamydia psittaci</i>)	X			X
Q Fever			X	<i>Coxiella burnetii</i>	X			X
Rabies, animal		X		Rabiesvirus		X	X	
Rabies, human		X		Rabiesvirus		X	X	
Rabies, possible exposure*16	X	X		Not Applicable				
Ricin toxicity	X	X		Ricin toxin (from <i>Ricinus communis</i> castor beans)	X	X	X	
Rocky Mountain spotted fever			X	<i>Rickettsia rickettsii</i>				X
Rubella, including congenital	X	X		Rubella virus*15	X	X	X	
St. Louis encephalitis (SLE) virus neuroinvasive and non-neuroinvasive disease			X	St. Louis encephalitis virus	X			X
Salmonellosis			X	<i>Salmonella</i> species by species serogroup and serotype				X
Saxitoxin poisoning including Paralytic shellfish poisoning (PSP)			X	Saxitoxin				X
Severe Acute Respiratory Syndrome-associated coronavirus (SARS-CoV) disease	X	X		SARS-associated coronavirus (SARS-CoV)	X	X	X	
Shigellosis			X	<i>Shigella</i> species by species serogroup				X
Smallpox	X	X		Variola virus (orthopox virus)	X	X	X	
<i>Staphylococcus aureus</i> with intermediate or full resistance to vancomycin (VISA, VRSA)		X		<i>Staphylococcus aureus</i> with intermediate or full resistance to vancomycin (VISA, VRSA); Laboratory results as specified in the surveillance case definition.	X		X	
Staphylococcus enterotoxin B		X		Staphylococcus enterotoxin B	X		X	
Streptococcal disease, invasive, Group A			X	<i>Streptococcus pyogenes</i> , Group A, isolated from a normally sterile site (does not include throat specimens)				X
<i>Streptococcus pneumoniae</i> , invasive disease	Not Applicable			<i>Streptococcus pneumoniae</i> isolated from a normally sterile site				X
<i>Streptococcus pneumoniae</i> , invasive disease in children < 5 years, drug sensitive and resistant			X	<i>Streptococcus pneumoniae</i> isolated from a normally sterile site				X
Syphilis			X	<i>Treponema pallidum</i>				X
Syphilis in pregnant women and neonates		X		<i>Treponema pallidum</i>			X	
Tetanus			X	<i>Clostridium tetani</i>				X
Toxoplasmosis, acute			X	<i>Toxoplasma gondii</i>				X
Trichinellosis (Trichinosis)			X	<i>Trichinella spiralis</i>				X
Tuberculosis (TB)*17			X	<i>Mycobacterium tuberculosis</i> complex*17				X
Tularemia	X	X		<i>Francisella tularensis</i>	X	X	X	
Typhoid fever		X		<i>Salmonella typhi</i>	X		X	

Typhus fever (epidemic)	X	X			Rickettsia prowazekii	X	X	X		
Typhus fever (endemic)			X		Rickettsia typhi, R. felis				X	
Vaccinia disease	X	X			Vaccinia virus	X	X	X		
Varicella (ChickenPox)*18			X		Varicella virus				X	
Varicella mortality			X		Varicella virus				X	
Venezuelan equine encephalitis virus neuroinvasive and non-neuroinvasive	X	X			Venezuelan equine encephalitis virus	X	X	X		
Vibriosis (Vibrio infections, other than Cholera)			X		All non-cholera <i>Vibrio</i> species including, <i>V. alginolyticus</i> , <i>V. damsela</i> , <i>V. fluvialis</i> , <i>V. furnissii</i> , <i>V. hollisae</i> , <i>V. mimicus</i> , <i>V. parahaemolyticus</i> , <i>V. vulnificus</i>	X			X	
Viral hemorrhagic fevers	X	X			Ebola, Marburg, Lassa, Machupo viruses	X	X	X		
West Nile virus neuroinvasive and non-neuroinvasive disease			X		West Nile virus	X			X	
Western equine encephalitis virus neuroinvasive and non-neuroinvasive disease			X		Western equine encephalitis virus	X			X	
Yellow fever	X	X			Yellow fever virus	X		X		

*9 – Special reporting requirements for Hepatitis:

a. Positive results should be accompanied by any hepatitis testing conducted; and

b. All serum aminotransferase levels.

*10 – 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.

*11 – 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.

c. Laboratories electing to send a blood specimen will contact the Florida Department of Health, Bureau of Laboratories at (904)791-1500 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.

*12 – 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.

*13 – Special reporting requirements for abnormal histologies:

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.

*14 – 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.

*15 – IgM serum antibody or viral culture test orders for measles (rubeola) or rubella should be reported as suspect immediately, but not IgG results.

*16 – 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).

*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 Pearl 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 date of 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 _____.

Editorial Note: Formerly 64D-3.002.

64D-3.030 Notification by Practitioners.

(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 (DH Form 2136, 3/06), incorporated by reference, available at the Department of Health, Division of Disease Control, 4052 Bald Cypress Way, Bin A-09, Tallahassee, FL 32399-1714, 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. Date of onset of symptoms;
11. Diagnosis.

(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, published in Morbidity and Mortality Weekly Report (MMWR) Vol. 48 [RR-13, December 10, 1999], incorporated by reference, available online at: www.cdc.gov/mmwr/PDF/RR/RR4813.pdf, shall be reported on the Adult HIV/AIDS Confidential Case Report, CDC 50.42A Rev. 01/2003, incorporated by reference, or the Pediatric HIV/AIDS Confidential Case Report, CDC 50.42B Rev. 01/2003,

incorporated by reference, along with the Department of Health Addendum for Adult HIV/AIDS Confidential Case Report, DH Form 2134, incorporated by reference. All forms are 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.

(b) HIV exposed newborns shall be reported on the Pediatric HIV/AIDS Confidential Case Report, CDC 50.42B Rev. 01/2003, incorporated by reference in paragraph 64D-3.030(5)(b), F.A.C.

Editorial Note: Formerly 64D-3.016 and 64D-3.022.

64D-3.031 Notification by Laboratories.

(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;

(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 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. A 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, incorporated by reference, is available at the Department of Health, ELR Project, 4052 Bald Cypress Way, Bin A-12, Tallahassee, Florida 32399-1715.

(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 format agreed upon by the department and the laboratory with the following information:

Editorial Note: Formerly 64D3.003, 64D-3.017 & 64D-3.023.

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., 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) The chief administrative officer of each Department of Defense or Veterans Administrative (VA) facility located in Florida are requested to appoint 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.

(3) 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.

(4) 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 _____.

Editorial Note: Formerly 64D-3.006(1)(2).

64D-3.033 Notification by Others.

Editorial Note: Formerly 64D-3.0031.

64D-3.034 Cancer Reporting.

(1) Reporting Requirements:

(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 (2005, or current year edition), incorporated by reference, available at: <http://fcds.med.miami.edu/inc/downloads.shtml>.

Editorial Note: Formerly 64D-3.006(3), (5).

64D-3.035 Congenital Anomaly Reporting.

Specific Authority 381.0011(13), 381.0031(6) FS. Law Implemented 381.0011(7), 381.0031 FS. History--New _____.

Editorial Note: Formerly 64D-3.027.

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

Editorial Note: Formerly 64D-3.004.

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

Editorial Note: Formerly 10D-3.074, 64D-3.005

64D-3.038 Quarantine Orders and Requirements.

(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, incorporated by reference, available from the Florida Department of Health, Bureau of Epidemiology, 4052 Bald Cypress Way, Bin A-12, Tallahassee, Florida 32399-1720. Such an order shall be issued in writing.

Editorial Note: Formerly 64D-3.007, 64D-3.0071, 64D-3.008, 64D-3.009 and 64D-3.010.

64D-3.039 Diseased Animals.

Editorial Note: Formerly 64D-3.012.

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

(1) Psittacosis (Ornithosis).

(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 *Chlamydophila psittaci* (formerly *Chlamydia psittaci*) Infection Among Humans (Psittacosis) and Pet Birds (Avian Chlamydiosis), 2006, incorporated by reference, available from the Department of Health, Division of Environmental Health, 4052 Bald Cypress Way, Bin A-08, Tallahassee, Florida 32399-1720.

(2) Rabies Control in Humans.

(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, incorporated by reference, available online at: www.cdc.gov/mmwr/PDF/rr/rr4801.pdf.

(3) Rabies Control in 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 2006, incorporated by reference, available at: www.myflorideh.com/community/arboviral/Zoonoses/RabiesguideUpdated.pdf. 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.

(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," dated March 2000, incorporated by reference, available online at: www.doh.state.fl.us/disease%5Fctrl/epi/surv/enteric.pdf.

Editorial Note: Formerly 64D-3.013.

64D-3.041 Epidemiological Investigations.

Editorial Note: Formerly 64D-3.018.

64D-3.042 STD Testing Related to Pregnancy

(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, to the county health department.

(a) The referral shall be in writing; and

(b) A copy shall be submitted to the county health department having jurisdiction over the area in which the emergency department is located.

Editorial Note: Formerly 64D3.019.

64D-3.043 Tuberculosis Treatment and Follow-up.

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

(b) The treatment plan must be documented on TB Medical Report and Treatment Plan, DH Form 1173, 02/98, incorporated by reference, available online at: www.doh.state.fl.us/disease%5Fctrl/tb/tbforms/dohpdfforms/1173/DH1173-TBTxPlan02-98.pdf.

(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," 4/98, incorporated by reference, available from the Department of Health, Bureau of TB and Refugee Health, 4052 Bald Cypress Way, Bin A-09, Tallahassee, Florida 32399-1720.

Editorial Note: Formerly 64D-3.024.

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

Editorial Note: Formerly 64D-3.025.

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

(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, 01/98, incorporated by reference, 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. 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:

(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", incorporated by reference in subsection 64D-3.045(2), F.A.C., 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, 01/98, incorporated by reference, available at A.G. Holley State Hospital, 1199 Lantana Road, Lantana, Florida 33462-1514, (561)582-5666.

Editorial Note: Formerly 64D-3.026.

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

(1) Immunization and Documentation Requirements –

1. DH Form 680, Florida Certification of Immunization (July 2001), incorporated by reference, available from DOH county health departments (DOH CHDs) or physicians' offices.

3. For exemption from the rubeola immunization the practitioner must include with DH Form 680, Florida Certification of Immunization, incorporated by reference in subsection 64D-3.046(1), 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 DH Form 150-615, Immunization Guidelines- Florida Schools, Child Care Facilities and Family Day Care Homes (July 2002), incorporated by reference, available online at: www.doh.state.fl.us/disease_ctrl/immune/schoolguide.pdf.

(d) DH Form 681, Religious Exemptions for Immunizations (English/ Spanish/ Haitian-Creole) (February 2002), incorporated by reference, available at DOH CHDs, 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, Florida Certification of Immunization, Parts B and C, incorporated by reference in subsection 64D-3.046(1), F.A.C.

(3) Documentation Requirements for Schools:

(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 (November 1996), incorporated by reference, available at DOH CHDs. 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, Kindergarten and Seventh Grade Annual Report of Compliance County Summary (November 2006), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

(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 a completed Florida SHOTS Notification and Opt Out Form to the Department of Health. The form, either a DH Form 1478 (English) or DH Form 1478S (Spanish) or DH Form 1478H (Haitian-Creole), incorporated by reference, is available from the DOH Bureau of Immunization, 4052 Bald Cypress Way, Bin # A-11, Tallahassee, FL 32399-1719. 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) (November 2000), incorporated by reference, available from the DOH Bureau of Immunization, 4052 Bald Cypress Way, Bin # A-11, Tallahassee, FL 32399-1719. 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 (November 2000), incorporated by reference, available from the DOH Bureau of Immunization, 4052 Bald Cypress Way, Bin # A-11, Tallahassee, FL 32399-1719. 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.

Editorial Note: Formerly 64D-3.011.

64D-3.047 Enforcement and Penalties.

Editorial Note: Formerly 64D-3.020.

64D-3.048 List of Documents Incorporated by Reference
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Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER06-51
 RULE TITLE: Instant Game Number 661, CASH REWARD

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 661, "CASH REWARD," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-51 Instant Game Number 661, CASH REWARD.

(1) Name of Game. Instant Game Number 661, "CASH REWARD."

(2) Price. CASH REWARD lottery tickets sell for \$2.00 per ticket.

(3) CASH REWARD lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning CASH REWARD lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE
13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN
19 NINETEEN	20 TWENTY				

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE
13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN
19 NINETEEN	20 TWENTY				

(6) The "CASH REWARD NUMBER" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX
7 SEVEN	8 EIGHT	9 NINE	10 TEN	11 ELEVEN	12 TWELVE
13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN
19 NINETEEN	20 TWENTY				

(7) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$20.00
TICKET	ONE	TWO	FIVE	TEN	TWENTY
\$25.00	\$50.00	\$100	\$1,000	\$10,000	
THY FIVE	FIFTY	ONE HUN	ONE THO	TEN THO	

(8) The legends are as follows:

WINNING CASH REWARD YOUR NUMBERS
 NUMBERS NUMBER

(9) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR NUMBERS" play area that matches either number in the "WINNING NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A ticket having a number in the "YOUR NUMBERS" play area that matches the number in the "CASH REWARD NUMBER" play area shall entitle the claimant to all ten (10) prizes.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a CASH REWARD lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(10) The estimated odds of winning, value and number of prizes in Instant Game Number 661 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 42 POOLS OF	
		ODDS OF	180,000 TICKETS
TICKET	\$2	8.33	907,200
\$2	\$2	30.00	252,000
\$2 x 2	\$4	25.00	302,400
\$1 + (\$2 x 2)	\$5	37.50	201,600
\$5	\$5	75.00	100,800
\$1 x 10 (CASH REWARD NUMBER)	\$10	75.00	100,800
\$5 x 2	\$10	75.00	100,800
\$10	\$10	150.00	50,400
\$5 x 5	\$25	150.00	50,400
(\$5 x 2) + (\$10 x 4)	\$50	1,800.00	4,200
\$5 x 10 (CASH REWARD NUMBER)	\$50	450.00	16,800
\$50	\$50	1,800.00	4,200
\$10 x 10 (CASH REWARD NUMBER)	\$100	6,428.57	1,176
\$25 x 4	\$100	6,428.57	1,176
\$100	\$100	9,000.00	840
\$20 x 10 (CASH REWARD NUMBER)	\$200	180,000.00	42
\$100 x 10 (CASH REWARD NUMBER)	\$1,000	756,000.00	10
\$1,000	\$1,000	756,000.00	10
\$1,000 x 10 (CASH REWARD NUMBER)	\$10,000	3,780,000.00	2
\$10,000	\$10,000	3,780,000.00	2

(11) The estimated overall odds of winning some prize in Instant Game Number 661 are 1 in 3.61. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 661, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing a CASH REWARD lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(14) Payment of prizes for CASH REWARD lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 10-5-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: October 5, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LEGAL AFFAIRS

The Department of Legal Affairs, Division of Victim Services and Criminal Justice Programs, hereby gives notice that it has issued an Order on the Petition for Waiver and Variance filed on behalf of Seven Eleven, Inc. The petition seeks a waiver or variance from Rule 2A-5.005, F.A.C., in regard to the requirement regarding test photos and remote triggering devices. The Petition was filed on August 9, 2006, and the Notice was published in Vol. 32, No. 34, of the August 25, 2006, F.A.W. The Division Director determined that the petition should be granted for the following reasons: the Petitioner presented evidence that the purpose of the underlying statute has been met through the use of a superior digital recording, and that application of the rule would violate the principles of fairness in this matter. The Order granting the Petition was filed on September 12, 2006.

A copy of the Order may be obtained by contacting: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050, (850)414-3351.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department has issued a Final Order in response to the Petition for Waiver filed by Citrus County. This petition was assigned the number DCA06-WAI-159. Notice of this petition appeared in the July 14, 2006, edition of the F.A.W. It is ordered that the Petition for Waiver by Petitioner Citrus County be, and by this Final Order is, hereby DENIED.

A copy of the Final Order may be obtained from: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from The Grove Utilities, Inc., in Docket No. 060601-WS, seeking a temporary waiver of paragraphs 25-30.033(1)(k), (r), (t), (u), (v), and (w), Florida Administrative Code. The petition requests that these portions of the rule, which address information required for setting initial rates in original water and wastewater certificate proceedings, be waived temporarily to permit bifurcation of the certification proceeding into an initial certification portion, followed at a later date by the rate setting portion of the proceeding. Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice.

A copy of the petition may be obtained at (<http://www.psc.state.fl.us>) or by writing to the above address. For additional information, please contact Ralph Jaeger, Office of the General Counsel, at the above address or telephone (850)413-6234.

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Town and Country Utilities Company, in Docket No. 060602-SU, seeking a temporary waiver of paragraphs 25-30.033(1)(k), (t), (u), (v), and (w), Florida Administrative Code. The petition requests that these portions of the rule, which address information required for setting initial rates in original wastewater certificate proceedings, be waived temporarily to permit bifurcation of the certification proceeding into an initial certification portion, followed at a later date by the rate setting portion of the proceeding. Comments on the petition should be

filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice.

A copy of the petition may be obtained at (<http://www.psc.state.fl.us/>) or by writing to the above address. For additional information, please contact Katherine Fleming, Office of the General Counsel, at the above address or telephone (850)413-6218.

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on September 1, 2006 from LabCo, LLC. Pursuant to Section 120.542, Florida Statutes, LabCo, LLC. is seeking a variance from paragraph 40C-4.301(1)(k) and 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 4-009-102057-1. The permit applicant is proposing to construct a residential subdivision in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. Paragraph 40C-4.301(1)(k), F.A.C., requires permit applicants for an ERP to comply with any applicable special basin criteria established in Chapter 40C-41, F.A.C. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with: Robert Nawrocki, 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 2006-85.

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.

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on September 1, 2006 from RDR Communities, Inc. Pursuant to Section 120.542, Florida Statutes, RDR Communities, Inc. 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 4-009-96853-1. The permit applicant is proposing to construct a residential development project to be known as Villages of

West Melbourne in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. Paragraph 40C-4.301(1)(k), F.A.C., requires permit applicants for an ERP to comply with any applicable special basin criteria established in Chapter 40C-41, F.A.C. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with: Robert Nawrocki, 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 2006-87.

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 the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2006-127-DAO-ROW), on September 13, 2006, to Collier County Board of County Commissioners. The petition for waiver was received by the SFWMD on July 21, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 31, on August 4, 2006. No public comment was received. This Order provides a waiver of the District's criteria for the proposed installation of a free-span 36" water main crossing the Airport Road Canal located west of the Golden Gate Parkway (S.R. 886) Bridge, serving the City of Naples; S25,26/T49S/R25E, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the minimum low member elevation (vertical clearance) of free-span utility crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Collier County Board of County Commissioners from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2006-128-DAO-ROW), on September 13, 2006, to Collier County Board of County Commissioners. The petition for waiver was received by the SFWMD on July 24, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 31, on August 4, 2006. No public comment was received. This Order provides a waiver of the District's criteria for the proposed widening of the existing, pile-supported Santa Barbara Boulevard Bridge crossing the Golden Gate Main Canal; S28,29/T49S/R26E, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the minimum low member elevation (vertical clearance) of pile-supported vehicle bridges within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Collier County Board of County Commissioners from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2006-129-DAO-ROW), on September 13, 2006, to Joy D. Hampp. The petition for waiver was received by the SFWMD on July 5, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 39, on July 21, 2006. No public comment was received. This Order provides a waiver of the District's criteria for the proposed construction of 12 finger piers (24 mooring slips) adjacent to the existing, previously-authorized boardwalk within the north right of way of LD-4 adjacent to the "Cottages At the Lake, LLC" Development; S36/T37S/R35E, Okeechobee County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands

of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the density of mooring slips/spaces exceeding more than (4) four per 100 linear feet of frontage along the District's waterway within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Joy D. Hampf from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail kruff@sfwmd.gov

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2006-130-DAO-ROW), on September 13, 2006, to Old Plantation Water Control District. The petition for waiver was received by the SFWMD on August 11, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 34, on August 25, 2006. No public comment was received. This Order provides a waiver of the District's criteria for the proposed culvert to interconnect OPWCD's Canal and the District's C-12 Canal, which will include above-ground bollards and slide-gate operators within the canal right of way at the westerly terminus of C-12; S2/T51S/R40E, Broward County. Specifically, the Order grants a waiver from subsections 40E-6.011(4), and (6), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent facilities within 40 feet of the top of the canal bank within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Old Plantation Water Control District from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail kruff@sfwmd.gov

NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2006-131-DAO-ROW), on September 13, 2006, to South Florida Stadium Corporation. The petition for waiver was received by the SFWMD on August 18, 2006. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 32, No. 35, on September 1, 2006. No public comment was received. This Order provides a waiver of the District's criteria for the proposed installation of a temporary fence, berm stabilization and temporary overflow parking during the 2006 football season, Orange Bowl and Super Bowl games ending February 15, 2007; 34/T51S/R41E, Miami-Dade County. Specifically, the Order grants a waiver from subsections 40E-6.011(4), and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and generally prohibits parking within the right of way within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent South Florida Stadium Corporation from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320; or by e-mail kruff@sfwmd.gov

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Bureau of Elevator Safety hereby gives notice that on August 18, 2006, it issued an Order Granting Variance Requests in response to a petition filed on May 24, 2006 and advertised in the F.A.W. Vol. 32, No. 24 by David Baskin of Otis Elevator regarding Acquilus III Condominiums in Jacksonville (VW 2006-146). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on September 18, 2006, it issued an Order Denying Variance Request in response to a petition filed on June 12, 2006, by Harry Bruderly of Spanish Oaks Condominium, seeking a waiver from ASME A17.1, 1996 Edition with 1997 Addenda, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a means of two-way communication within the cars. The Petition was denied as additional information was requested but never received.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on September 11, 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 Rick Dayton of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Fairfield Orlando, Bonnett Creek, Building 5, Orlando, FL (Petition 2006-234).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 25, 2006, Bureau of Elevator Safety received a Petition for Emergency Variance from Rule 2000.7a, ASME A18.1, 1999 edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, limiting travel to 12 feet. The petition was received from Jeanne Martin of Accessibility Lifts, Inc. on behalf of Filta Fry in Orlando, Florida (Petition VW 2006-216).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Bureau of Elevator Safety hereby gives notice that on July 26, 2006, it issued an Order Granting Emergency Variance Request in response to a petition filed on July 3, 2006, (as advertised in the F.A.W. Vol. 32, No. 29) by Jeanne Martin of

Accessibility Lifts, Inc. regarding Jennings Arcade Retail Shoppes (VW 2006-182), seeking a waiver from Rule 2000.7a of ASME A17.1, 1999, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to have a vertical wheelchair lift with a travel distance of 13 feet. The variance was granted as the petitioner demonstrated the lift was designed to travel safely for up to 14 feet and that the latest code allows this greater distance.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on September 5, 2006, Bureau of Elevator Safety received a Petition for Variance from 5.7.12.2, A.S.M.E. 17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code, limiting platform area to 13 square feet and capacity to 1000 lbs. The petition was received from Paul R. Shea of Alimak Hek on behalf of JEA Limestone Prep Building located in Jacksonville, Florida (Petition VW 2006-232).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 29, 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: General Projection Systems, Lake Mary, FL (Petition VW 2006-222).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 29, 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: LaQuinta, Panama City Beach, FL (Petition VW 2006-223).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 30, 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: Snug Harbor, Pensacola, FL (Petition VW 2006-224).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 30, 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: Harborwalk Village, Destin, FL (Petition VW 2006-225).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 30, 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: Mid Bay Marina, Destin, FL (Petition VW 2006-226).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on September 14, 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: Highwoods Preserve VII, Tampa, FL (Petition VW 2006-235).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Bureau of Elevator Safety hereby gives notice on September 1, 2006, it Issued an Order Granting Variance Request in response to a petition filed on June 6, 2006, and advertised in the F.A.W. Vol. 32, No. 24, by Lee Rigby of Vertical Assessment Associates on behalf of Progress Energy Headquarters Parking Garage (VW 2006-154). The petition sought a waiver 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. The petitioner requested to not have a machine room, to use 9.5-mm governor rope metal sheaves and drums lined with nonmetallic groove materials, sheaves with a minimum pitch diameter 40 times the diameter of the rope and to use aramid non-metallic ropes. The petition was granted as it was demonstrated that this new technology provided equivalent or greater safety than the present code.

A copy of the Orders can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on July 18, 2006 it Issued an Order Granting Emergency Variance Request in response to a petition filed on June 28, 2006 and

advertised in the F.A.W. Vol. 32, No. 29, by Lee Rigby of Vertical Assessment Associates, Inc., regarding the Key Estero Shops (VW 2006-170). The petition sought a waiver from Rule 2.27.3.2.1, A.S.M.E. A17.1, 2000 Edition as adopted by the 2004 Florida Building Code and requested to be exempted from providing smoke detectors at each exterior elevator lobby. The petition was granted because the petitioner provided written approval for not installing the detectors from the local fire authority having jurisdiction.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on August 14, 2006 it Issued an Order Granting Emergency Variance Request in response to a petition filed on July 17, 2006 and advertised in the F.A.W. Vol. 23, No. 30 by Sarah Maman of Fire, Life Safety & Security Institute, Inc., regarding the Vivante in Punta Gorda (VW 2006-188). The petition sought a waiver from Rule 110.6, A.S.M.E. A17.1, 1996 with 1997 addenda as adopted by the 2004 Florida Building Code which prohibits elevator lobby egress through occupied tenant spaces. The petition was granted because the petitioner agreed to provide unimpeded access to the exits and to escort any elevator service personnel or inspectors whenever they are on site.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on July 14, 2006 it Issued an Order Granting Emergency Variance Request in response to a petition filed on June 28, 2006 by Lee Rigby of Vertical Assessment Associates, Inc., regarding the Grand Phoenician Dunes VI. The petition sought a waiver from Rule 2.7.4.1, A.S.M.E. A17.1, 2000 Edition as adopted by the 2004 Florida Building Code and requested to be exempted from providing 84 inches of clearance in the elevator machine room. The petition was granted because the petitioner agreed to provide caution markings and because the clearance provided was 82 inches.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on August 16, 2006, it issued an Order Granting Variance Requests in response to a petition filed on May 22, 2006 and advertised in the F.A.W. Vol. 32, No. 23 by Patricia Serley of Otis Elevator regarding Sterling Breeze Condominium in Panama City Beach (VW 2006-142). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2,

2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on July 14, 2006, it Issued an Order Granting Variance Request in response to a petition filed May 24, 2006 and advertised in the F.A.W. Vol. 32, No. 23, by Steve Powell of KONE, Inc. regarding Hampton Inn in Pinellas Park, FL (VW 2006-135). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on July 14, 2006, it Issued an Order Granting Variance Request in response to a petition filed May 24, 2006 and advertised in the F.A.W. Vol. 32, No. 23, by Steve Powell of KONE, Inc. regarding 475 Condominium Project in St. Petersburg, FL (VW 2006-136). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on July 14, 2006, it Issued an Order Granting Variance Request in response to a petition filed May 8, 2006 and advertised in the F.A.W. Vol. 32, No. 23, by Steve Powell of KONE, Inc. regarding Maitland Office Building in Maitland, FL (VW 2006-138). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project

and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on August 16, 2006, it issued an Order Granting Variance Requests in response to a petition filed on and advertised in the F.A.W. Vol. 32, No. 23 by Patricia Serley of Otis Elevator regarding Aqua Condominium in Panama City Beach (VW 2006-141). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on August 16, 2006, it issued an Order Granting Variance Requests in response to a petition filed on May 23, 2006 and advertised in the F.A.W. Vol. 32, No. 23 by Patricia Serley of Otis Elevator regarding Beach Colony Navarre West in Navarre (VW 2006-143). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on August 15, 2006, it Issued an Order Granting Variance Request in response to a petition filed May 17, 2006 and advertised in the F.A.W. Vol. 32, No. 24, by Steve Powell of KONE, Inc. regarding Redfish Key Villas on Lemon Bay in Englewood, FL (VW 2006-151). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project

and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on August 15, 2006, it Issued an Order Granting Variance Request in response to a petition filed May 17, 2006 and advertised in the F.A.W. Vol. 32, No. 24, by Steve Powell of KONE, Inc. regarding Pennsylvania Hotel in ST. Petersburg, FL (VW 2006-152). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on July 14, 2006, it Issued an Order Granting Variance Request in response to a petition filed April 17, 2006 and advertised in the F.A.W. Vol. 32, No. 29, by Steve Powell of KONE, Inc. regarding Fairfield Inn and Suites in Clermont, FL (VW 2006-157). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on August 16, 2006, it Issued an Order Granting Variance Request in response to a petition filed May 24, 2006 and advertised in the F.A.W. Vol. 32, No. 29, by Steve Powell of KONE, Inc. regarding Regency Suites in Orlando, FL (VW 2006-159). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the

petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on August 16, 2006, it Issued an Order Granting Variance Request in response to a petition filed May 26, 2006 and advertised in the F.A.W. Vol. 32, No. 29, by Steve Powell of KONE, Inc. regarding The Place at Channelside in Tampa, FL (VW 2006-161). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on September 18, 2006, it Issued an Order Granting Variance Request in response to a petition filed June 21, 2006 and advertised in the F.A.W. Vol. 32, No. 29, by Steve Powell of KONE, Inc. regarding Summerhouse at Mexico Beach in Mexico Beach, FL (VW 2006-176). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on August 16, 2006, it Issued an Order Granting Variance Request in response to a petition filed June 30, 2006 and advertised in the F.A.W. Vol. 32, No. 29, by Steve Powell of KONE, Inc. regarding Delta Delta Delta Sorority House in Gainesville, FL (VW 2006-178). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project

and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

The Bureau of Elevator Safety hereby gives notice that on August 16, 2006, it Issued an Order Granting Variance Request in response to a petition filed June 30, 2006 and advertised in the F.A.W. Vol. 32, No. 29, by Steve Powell of KONE, Inc. regarding Bay Club II in Palmetto, FL (VW 2006-179). The variance granted a waiver from Rules 2.1.3.1.2(b)(1), 2.7.6 and 2.15.9.2, of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, Florida Building Code. The petitioner had requested to not have a machine room and to install a Monospace© Elevator System in the above project and the petition was granted as the petitioner demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on August 21, 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 William O. Williams, III of Otis Elevator Company. The Petitioner is requesting a variance to allow the installation of Gen2™ elevator systems in the following location: Mayo Clinic Hospital Addition, Jacksonville, FL (Petition 2006-230).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 28, 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: Mayo Clinic Jacksonville – Stabile Vertical Expans, Jacksonville (Petition 2006-219).

A copy of the Petitions can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 28, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1), and 61C-4.010(6), Florida Administrative Code from Carolina's Super Snack Food Service located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on three Mobile Food Dispensing Vehicles.

This variance request was approved September 14, 2006, and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on each MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on August 23, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code from Subway Restaurant located in Miami. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to not add an additional bathroom facility for customer use and have a seating capacity of eighteen (18).

This variance request was approved September 14, 2006, and is contingent upon Petitioner ensuring the public bathroom inside Subway Restaurant is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed eighteen (18) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on August 25, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Original Maryland Fried Chicken located in Orlando. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to not add an additional bathroom facility for customer use and have a seating capacity of twenty-nine (29).

This variance request was approved September 14, 2006, and is contingent upon Petitioner ensuring the public bathroom inside Original Maryland Fried Chicken is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed twenty-nine (29) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on August 29, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Goodfells Pizza located in Fort Pierce. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to have ten (10) seats with no public bathrooms in the facility. They are requesting to use centrally located bathroom facilities.

This variance request was approved September 14, 2006, and is contingent upon Petitioner notifying guests to the location of the public bathroom facilities by directional signage, the public bathrooms have running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will have no more than ten (10) seats in the establishment, which includes any outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Sec. 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on August 25, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from Rocky's Italian Ice located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. They are requesting a variance to not add a bathroom facility for customer or employee access, instead use bathroom facilities provided by the landlord.

This variance request was approved September 14, 2006, and is contingent upon Petitioner ensuring the three public bathrooms are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. No seating shall be provided as noted on the submitted plans. All provisos shall be met prior to final licensing. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE OF WITHDRAWAL OF THE PETITION FOR WAIVER OR VARIANCE

Notice is hereby given that the Petition for Waiver or Variance by James M. Power (Petitioner), as published in Vol. 32, No. 33, of the F.A.W. on August 18, 2006, has been withdrawn.

NOTICE IS HEREBY GIVEN that on September 11, 2006, the Construction Industry Licensing Board has issued an order. The Board reviewed the petition at its meeting held August 11, 2006, in Tampa, Florida. The Board's Final Order, filed in this cause on September 11, 2006, finds that the Petitioner's waiver is granted. The Petitioner is allowed two years in which to pass all parts of the test as specified in Rule 61G4-16.009, F.A.C. A copy of the Order may be obtained by contacting: Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on September 15, 2006, the Board of Nursing, received a petition for Variance or Waiver filed on September 15, 2006 by Alice Nied, MSN, R.N. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., petitioner seeks a waiver of the provisions of Rule 64B9-2.013, F.A.C., entitled "Program Changes Requiring Board Approval." Specifically, the Petitioner requests that in order to prevent the creation of hardship for 24 additional students admitted to a nursing program at Florida Community College in Jacksonville (FCCJ) without prior approval from the Board as a result of an FCCJ erroneous interpretation of the rule, the Board waive the requirement for such an approval. FCCJ acknowledges that a serious mistake has been made, even though it was unintentional. The college now seeks to remedy the situation in whatever way is necessary that will not negatively impact the students who enrolled in good faith.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN that on September 15, 2006, the Department of Health received a Petition for Variance from Community Trailer Park, Inc. d/b/a Lucky Clover Mobile Homes. The petition requests relief from the minimum sanitary facilities and dump station as required in Chapter 64E-15, F.A.C. The Community Trailer Park is located at 635 E. Eau Gallie Blvd., Satellite Beach, FL 32937.

Comments on this petition should be filed with Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice. A copy of the Petition may be obtained from: David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4277.

NOTICE IS HEREBY GIVEN that the Department of Health received Petitions for Waiver of subsection 64E-3.004(2), F.A.C., from the following persons on the below dates who desire to obtain a temporary certificate to practice as a Basic X-Ray Machine Operator:

September 7, 2006:

Israel Suarez

September 15, 2006:

Lisa Looney

Johna Kristalyn Beech

Petitioners request a waiver because the rule indicates that an applicant who has failed the radiologic technology certification examination for a Basic X-Ray Machine Operator may not qualify for a temporary certification to practice under the direct supervision of a licensed practitioner.

Comments on these Petitions should be filed with: Elizabeth B. Hines, Executive Director, Certification Unit of EMT/Paramedic and Radiologic Technology, 4052 Bald Cypress Way, Bin C-85, Tallahassee, Florida 32399-3285.

NOTICE IS HEREBY GIVEN that on September 7, 2006, the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a petition for a ninety-day extension of the temporary emergency variance, due to expire November 30, 2006, that was granted to the American Safety and Health Institute, Holiday, Florida.

Applicable Rule: subsections 64E-2.038(1), (2), (3), and (5), F.A.C. requires accreditation by the Continuing Education Coordinating Board for Emergency Medical Services (CECBEMS) of cardiopulmonary resuscitation (CPR) or advanced cardiac life support (ACLS) courses to be accepted as equivalent to CPR or ACLS courses conducted by the American Heart Association or the American Red Cross.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Ms. Lisa M. Walker, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, or Lisa_Walker2@doh.state.fl.us. Any interested person or agency may submit written comments on this petition until close of business October 13, 2006, to Ms. Walker.

NOTICE IS HEREBY GIVEN that on September 18, 2006, the Department of Health has issued an order.

A Final Order was issued on September 18, 2006, in response to a petition for a waiver filed on May 1, 2006, by Jon Hinchliff, representing Composting Toilet Systems, Inc. Petitioner sought a waiver of subsection 64E-6.009(1), Florida Administrative Code, which requires composting toilets to be in compliance with standards for Wastewater Recycle/Reuse and Water Conservation Systems as defined by ANSI/NSF International Standard Number 41. Notice of the petition was published in the May 19, 2006, edition of the Florida Administrative Weekly.

The Department found that the Petitioner demonstrated that the underlying intent of the statute could be achieved by alternative means and that strict application of the rules would violate principles of fairness and would create a substantial hardship in the Petitioner's particular circumstance. Therefore,

pursuant to the requirements of Section 120.542(2), Florida Statutes, the Department GRANTED Petitioner's request for a waiver.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

NOTICE IS HEREBY GIVEN that on September 15, 2006, the Department of Health filed Orders disposing of petitions for waiver of subsection 64E-3.004(2), F.A.C., from the following persons: Barbara Renae Thomas and Thelma F. Aneiros. The petitions were filed with the Department and were noticed in the F.A.W. on September 8, 2006, Vol. 32, No. 36.

The orders provide in summary that petitioners are entitled to receive a temporary certificate allowing them to continue to work while awaiting their examination results because petitioners have demonstrated that a Department error resulted in a violation of principles of fairness. Further, the waivers may be granted while fully protecting the health and safety of the public and, thus, do not violate the underlying purposes of the statute. Accordingly, the petitions for waiver of subsection 64E-3.004(2), F.A.C., from the above-named petitioners have been Granted.

A copy of the orders may be obtained from: Elizabeth B. Hines, Executive Director, Certification Unit of EMT/Paramedic and Radiologic Technology, 4052 Bald Cypress Way, Bin C85, Tallahassee, Florida 32399-3285.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on September 15, 2006, the Florida Housing Finance Corporation, received a petition for Variance of paragraph 11 of the 2005 Qualified Allocation Plan as applied to RFP 2006-04 SAIL program funds from Amber Garden, LLC, ("Petition"). The Petition is seeking a variance of the Petitioner's Qualified Allocation Plan's prohibition from requesting an extension of the placed in service date for the Development.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 15, 2006, the Florida Housing Finance Corporation, received a petition for Variance of subsection 67-48.002(83), Florida Administrative

Code, and a variance of Paragraph 11 of the 2005 Qualified Allocation Plan from Amber Garden, LLC, ("Petition"). The Petition is seeking a variance of the Petitioner's Qualified Allocation Plan's prohibition from requesting an extension of the placed in service date for the Development.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 15, 2006, the Florida Housing Finance Corporation, received a petition for Variance of subsection 67-48.002(83), Florida Administrative Code, and a variance of Paragraph 11 of the 2006 Qualified Allocation Plan from Amber Garden, LLC, ("Petition"). The Petition is seeking a variance of the Petitioner's Qualified Allocation Plan's prohibition from requesting an extension of the placed in service date for the Development.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 19, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.010(6)(a), Florida Administrative Code from Andrews Place II, LLC, ("Petition"). The Petition is seeking a waiver of the requirement for audited financial statements for the year ending December 31, 2005.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 19, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 9I-28.006(7), Florida Administrative Code from Liberty Center III, Ltd. ("Petition"). The Petition is seeking a waiver of the requirement of the repayment of a SAIL loan and outstanding interest as of October 2006.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 19, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of paragraphs 67-48.004(14)(j) and 67-48.004(14)(k), Florida Administrative Code from Millenia Development Group, LLLP, ("Petition"). The Petition is seeking a waiver of the requirement that certain items cannot be revised, corrected or supplemented after the Application Deadline, i.e., the total number of units.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 18, 2006, the Florida Housing Finance Corporation, received a petition for Waiver or Variance of subsections 67-21.003(1)-(3), (13) and 67-21.006(2), Florida Administrative Code from Old Orchard Village Associates, Ltd. ("Petition"). The Petition is seeking a waiver or variance of the requirement that the residential buildings contain at least give (5) dwelling units.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern

Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 19, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(j) and subsection 67-48.004(1), F.A.C., from BHG-79th St., LLC, ("Petition"). The Petition is seeking a reduction in the total number of units and the pro rata reduction of housing credits.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 19, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(j) and subsections 67-48.004(1), F.A.C., from BHG-79th St., LLC, ("Petition"). The Petition is seeking a reduction in the total number of units and the pro rata reduction of the SAIL funds.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 19, 2006, the Florida Housing Finance Corporation, received a petition for Variance of the 2005 Qualified Allocation Plan's requirement for returning Housing Credits by BHG-79th St., LLC.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern

Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 19, 2006, the Florida Housing Finance Corporation, received a petition for Variance of the 2005 Qualified Allocation Plan as applied to RFP 2006-04 SAIL program funds by BHG-79th St., LLC.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 18, 2006, the Florida Housing Finance Corporation, received a petition for Variance of paragraph 67-48.010(3)(b), Florida Administrative Code from Harbour Cove Associates, Ltd. ("Petition"). The Petition is seeking a variance to allow the interest rate on the SAIL Loan to be reduced from 3% to 1%.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 18, 2006, the Florida Housing Finance Corporation, received a petition for Variance of Emergency Rule 67ER05-17, Florida Administrative Code (2005) from Johnson Lakes Escambia Limited Partnership ("Petition"). The Petition is seeking a variance which requires an interest rate of three percent (3%) simple interest per annum on the pro-rata portion of the RRLP base loan attributable to non-Extremely Low Income ("ELI") units.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern

Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 18, 2006, the Florida Housing Finance Corporation, received a petition for Variance of Emergency Rule 67ER05-17, Florida Administrative Code (2005) from Palmetto Ridge Estates Limited Partnership ("Petition"). The Petition is seeking a variance which requires an interest rate of three percent (3%) simple interest per annum on the pro-rata portion of the RRLP base loan attributable to non-Extremely Low Income ("ELI") units.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 20, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.004(14), and Rule 67-48.009, F.A.C., and Part V.A.1 of the University Application incorporated by referenced into subsection 67-48.002(111), Florida Administrative Code, from Harbour Cove Associates, Ltd. ("Petition"). The Petition is seeking a waiver of the Rules to allow the applicant to request additional SAIL funding and a variance which limits the SAIL request of large County applicants to no more than \$2 million or in excess of 25% of the Total Development Cost.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 20, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.002(83), Florida Administrative Code and Paragraph 11 of the Qualified Allocation Plan from Pinnacle Park, Ltd. ("Petition"). The Petition is seeking a waiver of the prohibition on returning Housing Credits only in

the last calendar quarter of the year in which a development is required to be placed in service, an allocation to be made for the year after the Placed-in-Service Date.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 20, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of subsection 67-48.002(83), Florida Administrative Code and Paragraph 11 of the Qualified Allocation Plan from Villa Aurora, LLLP. ("Petition"). The Petition is seeking a waiver of the prohibition on returning Housing Credits only in the last calendar quarter of the year in which a development is required to be placed in service, an allocation to be made for the year after the Placed-in-Service Date.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on September 20, 2006, the Florida Housing Finance Corporation, received a petition for Waiver of paragraphs 67-48.004(1)(a), 67-48.004(14)(b) and subsection 67-48.004(15), Florida Administrative Code, from Maple Crest Limited Partnership ("Petition"). The Petition is seeking a waiver of the Rules to allow a change to the ownership structure of RLI Beneficial Holdings 6, LLC, sole member of the General Partner and to the structure of the Developer.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern

Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Financial Services Commission
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Department of Education
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection

DATE AND TIME: October 17, 2006, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter

636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and

other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Endangered Plant Advisory Council** announces a public meeting to which all persons are invited.

DATES AND TIMES: Wednesday, November 8, 2006, 1:00 p.m. – 5:00 p.m.; Thursday, November 9, 2006, 8:30 a.m. – 12:00 Noon

PLACE: Florida Department of Agriculture and Consumer Services, Doyle Conner Building, Auditorium, 1911 Southwest 34th Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items:

Wednesday, November 8th

1. Welcoming and Opening Remarks
2. Approval of Agenda (Additions, Changes)
3. Review and Approve Minute of Last Meeting
4. Evaluate and Rank Grant Proposals for Fiscal Year 2007-2008
5. New Plant Listings for Regulated Plant Index

Thursday, November 9th

1. Four Year Interval Review of Regulated Plant Index
2. Election of Officers

3. Schedule Next Meeting

4. Comments or Concerns from Interested Parties

Please contact: Mr. Tyson Emery, Division of Plant Industry, P. O. Box 147100, Gainesville, Florida 32614-7100, (352)372-3505, if you have any questions.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2006, 12:00 Noon – 1:30 p.m.

PLACE: Mission Inn Golf Resort, 10400 County Road 48, Howey-in-the-Hills, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Department of Agriculture and Consumer Services to discuss proposed Council programs and budget issues for the 06-07 and 07-08 fiscal years.

A copy of the agenda may be obtained by contacting: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

Pursuant to the 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 days before the workshop/meeting by contacting: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: October 25, 2006, 1:30 p.m. – 2:30 p.m.

PLACE: Mission Inn Golf Resort, 10400 County Road 48, Howey-in-the-Hills, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a meeting of the Florida Liquefied Petroleum Gas Advisory Board and representatives of the Florida Department of Agriculture and Consumer Services to discuss department programs and issues of industry interest.

A copy of the agenda may be obtained by contacting: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

Pursuant to the 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 days before the workshop/meeting by contacting: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

DEPARTMENT OF EDUCATION

The **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, October 21, 2006, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind, including a Rules Development Workshop on Rule 6D-9.007, F.A.C., Health Care Policies and a Public Hearing on Rule 6D-7.006, F.A.C., Pupil Progression Plan and Requirements for Graduation, Rule 6D-14.002, F.A.C., Transportation Policies and Procedures and Rule 6D-16.002, F.A.C., Human Resources Management and Development.

A copy of the agenda may be obtained by contacting: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, (904)827-2200.

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.

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 48 hours before the workshop/meeting by contacting Elmer Dillingham, President, Florida School for the Deaf and the Blind. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Elaine Ocuto, Florida School for the Deaf and the Blind.

The Direct Support Organization of the Florida **Division of Blind Services** announces the following Board of Directors Meeting.

DATE AND TIME: October 4, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Blind Services Foundation, 4700 Millenia Boulevard, Suite 175, Orlando, Florida 32839, (407)210-6607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting.

A copy of the agenda may be obtained by contacting: Gil Robinson, 4700 Millenia Blvd., Suite 175, Orlando, Florida 32839, (407)210-6607.

If a person decides to appeal any decision made by the Board of Directors with respect to any matter considered at such meeting, the person will need a record of the proceedings.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact the individual listed above no later than three working days prior to the meeting.

The **Florida Alliance for Assistive Services and Technology, Inc.**, Board of Directors announces a public meeting to which all persons are invited to attend.

DATE AND TIME: Friday October 6, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: The Quorum Hotel, 700 North Westshore Blvd., Tampa, FL 33609, (813)289-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to conduct such business as specified on the agenda.

If you have any questions, please contact: FFAST, Inc., 325 John Knox Road, Bldg. 400, Ste. 402, Tallahassee, FL 32303, (850)487-3278.

If you would like to present information to the Board of Directors, or if you require reasonable accommodations due to a disability, please contact FFAST, Inc. at the above address at least 14 working days in advance of the meeting.

The **Florida Rehabilitation Council for the Blind** announces the following Public Forum to which all interested individuals are invited.

DATE AND TIME: Thursday, October 19, 2006, 4:00 p.m. – 6:00 p.m.

PLACE: Hilton Garden Inn Fort Myers, 12600 University Drive, Ft. Myers, FL 33907.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

Contact: Phyllis Dill, The Division of Blind Services, 14 West Jordan Street, Suite 2G, Pensacola, FL 32501, (850)595-5282, ext. 11, Phyllis.dill@dbf.fldoe.org or through the Florida Telephone Relay system 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the local DBS office at 1(800)219-0180, no later than five working days prior to the meeting.

The **Florida Rehabilitation Council for the Blind**, and the **Division of Blind Services** announces the following meeting to which all interested persons are invited.

DATES AND TIMES: October 20, 2006, 8:30 a.m. – 5:00 p.m.; October 21, 2006, 8:30 a.m. – 12:00 Noon

PLACE: Hilton Garden Inn Fort Myers, 12600 University Blvd., Ft. Myers, FL 33907

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Rehab Council for the Blind.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 14 West Jordan Street, Ste. 2G, Pensacola, FL 32501 or (850)595-5282, ext. 11 or through the Florida Telephone Relay system 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the local DBS office at 1(800)219-0180, no later than five working days prior to the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: October 3, 2006, 10:00 a.m.

PLACE: Seminole County Services Building, Room 3024, 1101 East First Street, Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a public or nonprofit entity to administer the Weatherization Assistance Program (WAP) and the Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in Seminole County. Entities interested in contracting with DCA to provide these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entity's experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and the entity's capacity to undertake a timely and effective weatherization program. Preference will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the

entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements.

ACTIONS TO BE TAKEN: The DCA will review all submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Seminole County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she 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 made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** announces the following meetings to which all persons are invited.

PLACE: Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida, (813)977-7066

DATE AND TIMES: October 9, 2006

9:00 a.m. Meeting of the Code Amendment Process Review Work Group

1:00 p.m. Meeting of the Fire Technical Advisory Committee

1:30 p.m. Joint Fire TAC and the Fire Code Advisory Council Meeting

DATE AND TIME: October 10, 2006

9:00 a.m. Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: The Plaza Theaters, 100 South Orange Avenue, Suite 200, Orlando; Epic Theater, State Road 207, St. Augustine; Joint Military Leadership Center, University of South Florida, Tampa; AMC Cypress Creek, I-75 and State Road 56, Pasco County; Stone Management, 330 Lincoln Road, Miami; Theriaque Office Building, 433 North Magnolia Drive, Tallahassee.

DATE AND TIMES: October 10, 2006

8:00 a.m. Meeting of the Roofing Technical Advisory Committee.

9:00 a.m. Product Approval/Prototype Buildings/Manufactured Buildings POC.

1:00 p.m. Meeting of the Education Program Oversight Committee.

2:00 p.m. Meeting of the Accessibility Technical Advisory Committee.

3:00 p.m. Meeting of the Structural Technical Advisory Committee.

DATE AND TIMES : October 11, 2006

8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission.

Review and approval of the Agenda.

Review and approval of the August 22, 2006 Minutes and Facilitator's Report.

Chair's Discussion of Issues and Recommendations.

Review and Update of Commission Workplan

Consideration of requests for waiver from accessibility code requirements: The Plaza Theaters, 100 South Orange Avenue, Suite 200, Orlando; Epic Theater, State Road 207, St. Augustine; Joint Military Leadership Center, University of South Florida, Tampa; AMC Cypress Creek, I-75 and State Road 56, Pasco County; Stone Management, 330 Lincoln Road, Miami; Theriaque Office Building, 433 North Magnolia Drive, Tallahassee.

Consideration of Applications for Product and Entity Approval.

Rule Development Workshop on Rule 9B-70, Building Code Training Program.

Consideration of Legal Issues and Petitions for Declaratory Statement.

Binding Interpretations: Paul Macheske for Hunton Brady Architects regarding 2001 FBC, Mechanical, Section 501.5, Metal Exhaust Ducts.

Second Hearing:

DCA06-DEC-153 by Kenneth E. Thorndyke, CBO, Panama City Beach

DCA06-DEC-160 by Kirk Grundhl PE, WTCA

DCA06-DEC-162 by Clark M. Stranahan, C4 Architecture

DCA06-DEC-175 by Clark M. Stranahan, C4 Architecture
DCA06-DEC-176 by Jeff Alloway, U.S. Air Conditioning
DCA06-DEC-179 by Michael P. Morris, CEO, Roll-A-Cover International

DCA06-DEC-180 by Gordon G. Lyle, R2 Self, Inc.

DCA06-DEC-181 by James S. Luke, PE, Rolf Jensen & Associates, Inc.

DCA06-DEC-182 by Michael Thompson, HPA Consulting Engineers Inc.

First Hearing:

DCA06-DEC-188 by Kevin McGrath, PE, Four Seasons Solar Products, LLC

DCA06-DEC-189 by Bob Alligood, Ice House America, LLC.

DCA06-DEC-200 by Warren Schaefer, PE

DCA06-DEC-201 by Warren Schaefer, PE

DCA06-DEC-212 by Steve Munnell, FRSA, Inc.

DCA06-DEC-215 by Bruce A. Kaiser, WindTripper Corporation

DCA06-DEC-216 by Eddie Fischer

DCA06-DEC-218 by Paul B. Dickson, CBO, City of Cape Coral

DCA06-DEC-220 by Emil Veksenfeld, PE

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Fire TAC Report; Roofing TAC Report; Structural TAC Report; Education POC Report; Product Approval/Prototype Buildings/Manufactured Buildings POC Report; Code Amendment Process Review Work Group Report; Garage Door and Shutter Labeling Work Group Report; and, Hurricane Research Advisory Committee Report.

Staff Report on Technical Assistance Options for the Florida Accessibility code for Building Construction

Fire Code/Building Code Correlation for the 2007 Florida Building Code

Selection of the Foundation Codes for the 2007 Florida Building Code

Status Report on the Florida Board of Engineers' Practice of Engineering Design of Aluminum Structures

Review Draft Outline of the Report to the 2007 Legislature

Review and Discuss the 2006 Commission Effectiveness Assessment Survey Results

Commission Member Comments and Issues

General Public Comment

Review Committee Assignments and Issues for the December 4, 5 and 6, 2006 Commission Meeting.

Summary Review of Meeting Work Products

Adjourn.

A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing to: Ms. Barbara Bryant, Building Codes and Standards

Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, or going to the web site at www.florida-building.org

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant at the Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** announces the following meetings to which all persons are invited.

PLACE: RACCA Inc., 1920 East Sligh Avenue, Tampa, Florida 33610, (813)870-2607

DATE AND TIME: November 1, 2006, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Window Work Group.

DATE AND TIME: November 2, 2006, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Code Amendment Process Work Group.

DATES AND TIMES: November 13, 2006, 1:00 p.m.; November 14, 2006, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Garage Door and Shutter Labeling Work Group.

DATES AND TIMES: November 14, 2006, 1:00 p.m.; November 15, 2006, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Energy Code Transition Study Work Group.

A copy of the work group meeting agendas and other documents may be obtained from the following web site: <http://consensus.fsu.edu/FBC/index.html> or by sending a request in writing to: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, or looking on the web site at www.florida-building.org

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant, at the Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The Region XIV, **Training Trust Fund** will meet:

DATE AND TIME: Thursday, October 5, 2006, 10:00 a.m.

PLACE: The School of Justice, Miami Dade College North Campus, 11380 N.W. 27th Avenue, Room 9118, Miami, Florida 33167

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to disburse the interest earned during prior fiscal year 2005-06. The interest will be available to the four training centers for training expenditures.

Contact person: Josefina de Lage, (305)237-1329.

The Region XII, **Training Council and Assessment Center**, Board of Directors announce a public meeting to which all interested persons are invited.

DATE AND TIME: Thursday, October 12, 2006, 10:00 a.m.

PLACE: Palm Beach Community College, Room CF 124/125, 4200 Congress Avenue, Lake Worth, FL 33461

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include but is not limited to: F.D.L.E./C.J.S.T.C. updates; Palm Beach Community College/Criminal Justice Institute Assessment Center update; Region XII Budget Approval and any other business.

A copy of the agenda may be obtained by contacting: Sue Voccola, Secretary of the Criminal Justice Institute at Palm Beach Community College, 4200 Congress Avenue, Lake Worth, FL 33461, (561)868-3403.

DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, October 12, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide a recommendation on the Big Bend Scenic Byway Designation Application.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven (7) days prior to the meeting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450; (850)414-5250, e-mail mariano.berrios@dot.state.fl.us, or fax (850)414-4443.

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2006, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building, Auditorium, 605 Suwannee St., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025, or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by writing to: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

Anyone needing an agenda or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Christine Jones at (850)245-7914. Special accommodation requests under the Americans With Disabilities Act should be made at least 48 hours prior to the public meeting.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The **Department of Environmental Protection/Office of Coastal and Aquatic Managed Areas** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, November 1, 2006, 6:00 p.m.
PLACE: University of Florida's Whitney Laboratory for Marine Bioscience, Whitney Hall, 9505 Ocean Shore Blvd., St. Augustine, FL 32080-8610

DATE AND TIME: Thursday, November 2, 2006, 6:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve, Environmental Education Center, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Guana Tolomato Matanzas National Estuarine Research Reserve (GTMNERR), Pellicer Creek Aquatic Preserve and Guana River Marsh Aquatic Preserve Management Plan Public Scoping Meeting. The purpose is to inform the public on the joint management plan development process and to solicit input on issues that should be addressed in the plan.

A copy of the agenda may be obtained by contacting: the GTMNERR Coastal Training Coordinator, Martin "Marty" Healey, (904)823-4500.

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 48 hours before the workshop/meeting by contacting the GTMNERR Coastal Training Coordinator, Martin "Marty" Healey, (904)823-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Wednesday, October 18, 2006, 9:00 a.m. – 1:00 p.m. (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308. Persons who wish to participate by phone may call (850)921-2583 or Suncom 291-2583 on the date and at the time indicated for access to the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The discussion will include the October bonding estimates, legislative issues, 2007 rule calendar and other general business of the Council.

Anyone wishing a copy of the agenda should contact: Donna Sirmons, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, any person needing special accommodations to participate in the meeting is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 18, 2006, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the Agenda may be obtained by writing to: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a customer meeting in the following docket, to which all interested persons are invited.

Docket No. 060254-SU – Application for increase in wastewater rates in Pinellas County by Mid-County Services, Inc.

DATE AND TIME: Wednesday, October 18, 2006, 6:00 p.m.

PLACE: Holiday Inn Express, 975 Broadway Street, Dunedin, FL 34698

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed water rate increase, and to ask questions and comment on other issues. Commission staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the utility may also be in attendance. At the beginning of the meeting, procedures will be established for the order of comments. The Public Service Commission staff will have sign-up sheets, and customers will be called in the order that

they sign up to speak. One or more Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

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 at (850)413-6770 at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For further information, contact Rosanne Gervasi, Office of the General Counsel, (850)413-6224. One or more Commissioners of the Florida Public Service Commission may attend and participate in the customer meeting.

Emergency Cancellation of Customer Meeting.

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

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. 060257-WS – Application for increase in water and wastewater rates in Polk County by Cypress Lakes Utilities, Inc.

DATE AND TIME: Thursday, October 19, 2006, 6:00 p.m.

PLACE: 2006 Cypress Lakes Clubhouse, 1000 U.S. Highway 98, North, Lakeland, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments to the Public Service Commission staff regarding the quality of service the utility provides, the proposed rate increase, and to ask questions or make comments on other issues. Commission staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the utility may also be in attendance. At the beginning of the meeting, procedures will be established for the order of comments. The Public Service Commission staff will have sign-up sheets, and customers will be called in the order that they sign up to speak. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

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 at (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).

For further information, contact Katherine Fleming, Office of the General Counsel, (850)413-6218.

Emergency Cancellation of Customer Meeting.

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Property and Casualty Insurance Reform Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: Room 412, Knott Building, The Capitol, 400 S. Monroe St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee business.

A copy of the agenda may be obtained by contacting www.myfloridainsurancereform.com prior to the meeting date.

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.

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 1 days before the workshop/meeting by contacting Leslie Jacobs, Office of Lt. Governor Toni Jennings, at (850)488-4711. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Leslie Jacobs, Office of Lt. Governor Toni Jennings, at (850)488-4711.

The **Governor's Faith-Based and Community Advisory Council**, Municipal and Corporate Subcommittee 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: Wednesday, October 4, 2006, 3:00 p.m.

PLACE: Conference Call (877)651-3473, Leader: Arto Woodley or John Fogg

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss the layout of the Municipal Resource Guide, as well as discuss other pending issues.

For a copy of the agenda and more information about how to attend the meeting contact Mark Nelson at mark.nelson@vfffund.org or (850)413-0909.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

The **Executive Office of the Governor**, Office of Policy and Budget, announces a series of public hearings to which all interested persons are invited.

Health and Human Services (Agency for Health Care Administration, Agency for Persons with Disabilities, Department of Children and Families, Department of Elder Affairs, Department of Health, and Department of Veterans' Affairs)

DATE AND TIME: Friday, October 13, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: Room 110, Senate Office Building, Tallahassee, FL
Environmental (Department of Agriculture and Consumer Services, Department of Citrus, Department of Environmental Protection, and Fish and Wildlife Conservation Commission)

DATE AND TIME: Friday, October 13, 2006, 3:30 p.m. – 5:00 p.m.

PLACE: Room 110, Senate Office Building, Tallahassee, FL
Education (Department of Education)

DATE AND TIME: Friday, October 13, 2006, 1:00 p.m. – 2:00 p.m.

PLACE: Room 28, House Office Building, Tallahassee, FL
Public Safety (Department of Corrections, Department of Highway Safety and Motor Vehicles, Department of Juvenile Justice, Department of Law Enforcement, Department of Legal Affairs, Department of Military Affairs, Justice Administration Commission, and Parole Commission)

DATE AND TIME: Friday, October 13, 2006, 2:30 p.m. – 5:00 p.m.

PLACE: Room 28, House Office Building, Tallahassee, FL
General Government (Department of Business and Professional Regulation, Department of Financial Services, Department of Lottery, Department of Management Services, Department of Revenue)

DATE AND TIME: Friday, October 13, 2006, 1:00 p.m. – 2:30 p.m.

PLACE: Room 2103, Capitol Building, Tallahassee, FL

Transportation and Economic Development (Agency for Workforce Innovation, Department of Community Affairs/Housing Finance Corporation, Department of State, Department of Transportation, Executive Office of the Governor, and Public Service Commission)

DATE AND TIME: Friday, October 13, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Room 2103, Capitol Building, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Representatives from the departments listed below will present an overview of the agency's Legislative Budget Request for Fiscal Year 2007-2008 and Long-Range Program Plan for Fiscal Year 2007-2008 through Fiscal Year 2011-2012, and will be available for public questions and comments.

Written comments may be submitted to the representatives of the Office of Policy and Budget at the proceedings or mailed to: Executive Office of the Governor, Office of Policy and Budget, 1702 The Capitol, Tallahassee, Florida 32399-0001, and received by October 12, 2006.

Volunteer Florida. The Governor's Commission on Volunteerism and Community Service, is pleased to announce a meeting to which all persons are invited to attend.

DATE AND TIME: October 17, 2006, 2:00 p.m. – ending when all business is complete

PLACE: To be determined

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Commission.

Please contact Ysonde Jensen at (850)414-0092, for meeting location and agenda.

If you require a reasonable accommodation to participate, please contact Ysonde Jensen, (850)414-0092, Voice/TTY, 72 hours in advance with your request.

REGIONAL PLANNING COUNCILS

The **West Florida Regional Planning Council** announces a public meeting to which all interested persons are invited.

DATE AND TIME: October 16, 2006, 4:00 p.m.

PLACE: Niceville City Hall, 208 N. Partin Drive, Niceville, Florida

A copy of the agenda may be obtained by contacting WFRPC 1(800)266-8914 or www.wfrpc.dst.fl.us

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 5, 2006, 9:00 a.m.

PLACE: Green Cove Springs City Hall, 321 Walnut Street, Green Cove Springs, FL 32043

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, October 5, 2006, 9:30 a.m.

PLACE: Green Cove Springs City Hall, 321 Walnut Street, Green Cove Springs, FL 32043

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, October 5, 2006, 10:00 a.m.

PLACE: Green Cove Springs City Hall, 321 Walnut Street, Green Cove Springs, FL 32043

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Angi Giles, (904)279-0880, extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited.

DATE AND TIME: Wednesday, October 11, 2006, 9:30 a.m.
 PLACE: Highlands County Health Department, Conference Room, 7205 South George Blvd., Sebring, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2006, 9:30 a.m.

PLACE: Wolf High-Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

The Florida District X, **Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: November 16, 2006, 10:00 a.m.

PLACE: Wolf High – Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X, Local Emergency Planning Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

REGIONAL TRANSPORTATION AUTHORITIES

The **Transportation and Expressway Authority Membership of Florida** (TEAMFL) announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 5, 2006, 3:00 p.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: FOCUS SESSIONS: Toll Operations: David Wynne, OOCEA, “Innovative Technology-The Next Generation of Toll Collections”; Engineering: Bo Sanchez, FDOT, “Innovative Safety Solutions-How and Where”; Finance: John Forney, Raymond James & Associates, “Finance Innovations-New vs. Old”; Public Involvement: Alicia Gonzalez, Media Relations Group, “Innovative Technology-How to sell it to the public”.

DATE AND TIME: Friday, October 6, 2006, 9:00 a.m. – 11:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Quarterly Meeting: General Subject Matter, “INNOVATIVE TRANSPORTATION”. Opening Remarks, Pam Iorio – Mayor, Tampa, FL. Invited Speakers: Marcos Marchena, Board Member TEAMFL/F.T.C., “Future Corridors Study Report”; Steve Reich, CUTR, “Toll Agencies Performance Report”; John Cabibbo, Cabibbo, Inc., “TEAMFL Web Site Presentation”; Marty Stone, THCEA, “View from the Bridge”; Evelio Suarez, F.T.E., “Review of the New Collection System”.

DATE AND TIME: Friday, October 6, 2006, 11:45 a.m. – 1:15 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: THCEA-TOUR/LUNCH – Selmon Crosstown Expressway Reversible Lanes Bridge and Traffic Management Center. PLACE: Tampa Marriott Waterside, 700 South Florida Avenue, Tampa, FL 33602.

Additional information can be obtained at www.teamfl.org or from: Robert C. Hartnett, 2121 Camden Rd., Orlando, FL 32803, (407)896-0035, Fax (407)897-7012.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: October 10, 2006, 9:00 a.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. To consider District business, and conduct public hearings on regulatory and land acquisition matters. Workshop to follow Board meeting.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings that some members of the Governing and Basin Boards may attend and to which all interested persons are invited.

MANATEE CHAMBER WATER ALTERNATIVES COMMITTEE

DATE AND TIME: Friday, October 6, 2006, 8:00 a.m.

PLACE: Manatee Chamber Building, 222 – 10th Street, West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Committee business.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING AND WORKSHOP

DATE AND TIME: Tuesday, October 10, 2006, 9:00 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business and annual planning workshop.

MANASOTA BASIN BOARD MEETING AND WORKSHOP

DATE AND TIME: Wednesday, October 11, 2006, 9:00 a.m.

PLACE: Sarasota Service Office, 6750 Fruitville Road, Sarasota, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business and annual planning workshop.

RULE DEVELOPMENT PUBLIC WORKSHOP ON PROPOSED MINIMUM AND GUIDANCE LEVELS FOR LAKE MARION IN LEVY COUNTY

DATE AND TIME: October 11, 2006, 6:00 p.m.

PLACE: City of Williston Community Center, 50 Northwest Main Street, Williston, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Gather public input on rule development.

These are public meetings; agendas are available by contacting: Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville, Florida 34604.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4606 TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces the following public meeting to which all interested persons are invited.

WELL DRILLERS ADVISORY COMMITTEE

DATE AND TIME: Wednesday, October 18, 2006, 1:30 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee Business.

Some members of the District's Governing and Basin Boards may attend the meeting.

A copy of the agenda for the above meeting may be obtained by writing to: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida), or (352)796-7211, extension 4604; Fax: (352)754-6874; TTD only 1(800)231-6103 (Florida).

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Thursday, October 5, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC).

A copy of the agenda may be obtained by writing to: South Florida Water Management District, Mail Stop 1131, 3301 Gun Club Road, West Palm Beach, Florida 33406, or at our website <http://my.sfwmd.gov/wrac>.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Rick Smith, (561)682-6517.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Thursday, October 5, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: SFWMD, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC).

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 1131, 3301 Gun Club Road, West Palm Beach, Florida 33406, or at our website <http://my.sfwmd.gov/wrac>.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Rick Smith, (561)682-6517.

The **South Florida Water Management District** announces a private closed door attorney-client session:

DATES AND TIMES: Wednesday, October 11, 2006, 9:00 a.m. – completed; Thursday, October 12, 2006, 9:00 a.m. – completed

PLACE: Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in *United States of America v. South Florida Water Management District, et al.* United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Glazier, S. Nall, G. Miller and K. Burns.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The South Florida Water Management District announces a private closed door attorney-client session.

DATES AND TIMES: Wednesday, October 11, 2006, 9:00 a.m. – completed; Thursday, October 12, 2006, 9:00 a.m. – completed

PLACE: Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in *Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al.*, United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; *Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al.*, United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and *Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein*. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Glazier, S. Nall, G. Miller, J. Nutt, E. Artau and M. Compagno.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a private closed door attorney-client session.

DATES AND TIMES: Wednesday, October 11, 2006, 9:00 a.m. – completed; Thursday, October 12, 2006, 9:00 a.m. – completed

PLACE: Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Jeffrey Dudgey v. State of Florida, et al, Circuit Court, Fifteenth Judicial Circuit, Palm Beach County, Case No. CA 03-1408 AO. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, M. Wade; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Glazier, G. Miller, S. Nall, R. Panse and P. Lopez.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces the following public meetings to which the public and all interested parties are invited.

DATES AND TIMES: Wednesday, October 11, 2006, 9:00 a.m.; Thursday, October 12, 2006, 9:00 a.m. The meetings will end on each day upon completion of the business determined by the Governing Board to be addressed on that particular day.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Audit Workshop, Governing Board Human Resources and Outreach Committee Meeting, Governing Board Workshop, and Regular Governing Board Meeting to discuss and consider District business, including regulatory and non-regulatory matters. Governing Board action may be taken at either the Workshop or Regular Governing Board meeting.

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33406

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the proposed agenda for these meetings, including detailed information on the budget amendment, may be obtained 7 days before the meeting at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680. These agendas may be supplemented and revised and the order in which items are considered may be changed by the Governing Board at the meetings.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk at (561)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: District Clerk, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-2087.

The South Florida Water Management District announces a private closed door attorney-client session.

DATES AND TIMES: Wednesday, October 11, 2006, 9:00 a.m. – completed; Thursday, October 12, 2006, 9:00 a.m. – completed

PLACE: Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2005) to discuss strategy related to litigation expenditures in Tohopekaliga Water Authority v. St. Johns River Water Management District and Orange County Utilities Division, St. Johns River Water Management District, CUP No. 3317. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bague, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, M. Wade; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, S. Glazier, G. Miller, B. Ross, C. Ross, S. Menton.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Commission Retreat to which all persons are invited.

DATES AND TIME: Thursday and Friday, October 12-13, 2006, 9:00 a.m. – until completion

PLACE: Embassy Suites USF, 3705 Spectrum Blvd., Tampa, FL 33612-9412, (813)977-7066. Conference Call Number (850)487-9454, Suncom 277-9454.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a full orientation on the Transportation Disadvantaged Program and discuss future program initiatives.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact Niki Branch at the following address and telephone number: Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435. The meeting is subject to change upon chairperson's request.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the following Regular Board Meeting to which all persons are invited.

DATE: Monday, October 16, 2006, 9:00 a.m.

PLACE: Tampa Bay Water's Administrative Office, 2575 Enterprise Road, Clearwater, Florida 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability, in order to participate in this activity, please notify Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2006, 8:30 a.m. – 12:30 p.m.

PLACE: Hilton Ocala, 3600 Southwest 36th Avenue, Ocala, FL 34474, (352)854-1400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Elder Affairs is very interested in getting your input in preparation for its development of the state's plan for addressing the needs and well-being of Florida's 4 million elders age 60 and older. In order to affect this purpose, we are hosting several regional workshops around the state and are extending an invitation for you to participate. Based on your thoughts, we will prepare the State Plan on Aging, 2008-2010, which is the basis for allocation of funding for elder service providers throughout Florida.

Each regional workshop will also include a visioning process for existing Communities For a Lifetime (CFAL) participants and those interested in establishing the CFAL designation. The process will stimulate ideas on how Florida's cities, towns and counties can plan for and implement smart growth to accommodate the future needs of their community, both youth and elders.

A copy of the agenda may be obtained by contacting: Sherilyn Toro, Department of Elder Affairs, Planning and Evaluation, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2000.

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.

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 72 hours before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sherilyn Toro, Department of Elder Affairs, Planning and Evaluation, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2000.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the State Consumer Health Information and Policy Physicians Data Technical Workgroup to which all interested parties are invited.

DATE AND TIME: Thursday, October 12, 2006, 10:00 a.m.

PLACE: Wallace Center, Conference Room, Pepin Heart Hospital, University Community Hospital, 3100 E. Fletcher Avenue, Tampa, FL 33613

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Penny Walker Bos, (850)922-3012, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing to: Penny Walker Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at http://ahca.myflorida.com/SCHS/chistwg_pd.shtml seven (7) days prior to the meeting.

The **Agency for Health Care Administration** announces future Technical and Operational Issues relative to Reform Health Plans meetings.

DATE AND TIME: September 21, 2006, 9:30 a.m. – 11:00 a.m.

PLACE: Agency for Healthcare Administration, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308, (850)922-2904

DATE AND TIME: October 5, 2006, 9:30 a.m. – 11:00 a.m.

PLACE: Agency for Healthcare Administration, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308, (850)922-2904

DATE AND TIME: October 19, 2006, 9:30 a.m. – 11:00 a.m.

PLACE: Agency for Healthcare Administration, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308, (850)922-2904

DATE AND TIME: November 2, 2006, 9:30 a.m. – 11:00 a.m.

PLACE: Agency for Healthcare Administration, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308, (850)922-2904

DATE AND TIME: November 16, 2006, 9:30 a.m. – 11:00 a.m.

PLACE: Agency for Healthcare Administration, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308, (850)922-2904

DATE AND TIME: November 30, 2006, 9:30 a.m. – 11:00 a.m.

PLACE: Agency for Healthcare Administration, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308, (850)922-2904

DATE AND TIME: December 14, 2006, 9:30 a.m. – 11:00 a.m.

PLACE: Agency for Healthcare Administration, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308, (850)410-0962

Those not able to attend in person may call the conference phone number (listed above).

A copy of the agenda may be obtained by writing: Abby Huntley or Briant Mertz, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #50, Tallahassee, FL 32308.

Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (850)487-2355. Special Accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the Public hearing.

The **Agency for Health Care Administration**, in conjunction with the Department of Elder Affairs, announces the following public meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, October 18, 2006, 1:00 p.m. – 3:00 p.m. (Central)

PLACE: Autumn House, Elder Services of Okaloosa County, 207 Hospital Drive, Fort Walton Beach, FL 32548

GENERAL SUBJECT MATTER TO BE CONSIDERED: Section 409.912(5), Florida Statutes, mandates the Agency for Health Care Administration, in consultation with the Department of Elder Affairs, to create an “integrated, fixed-payment delivery system for Medicaid recipients who are 60 years of age or older. The Agency for Health Care Administration shall implement the integrated system initially on a pilot basis in two areas of the state”. The Agency for Health Care Administration submitted waiver applications to the Centers for Medicare and Medicaid Services on January 26, 2006 and received Federal approval on September 13, 2006. This managed, integrated long-term care program will implement in the following areas upon Legislative approval: The Panhandle Pilot Area- Escambia, Santa Rosa, Okaloosa and Walton Counties; and the Central Florida Pilot Area-Seminole, Orange, Brevard and Osceola Counties.

The primary purpose of this meeting is to provide outreach and education to Medicaid beneficiaries about the program. An overview of the proposed program will be provided as well as an opportunity for public comment on a first come – first serve basis.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should advise the Agency at least seven days prior to the meeting by contacting: Sarala Hermes, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)487-2618, e-mail: hermess@ahca.myflorida.com

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Department of Management Services** announces a meeting of the Florida State Employees' Charitable Campaign (FSECC) Statewide Steering Committee to which all persons are invited.

DATE AND TIME: October 16, 2006, 2:00 p.m.

PLACE: 4050 Esplanade Way, Suite 280K, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the FSECC Steering Committee to review general FSEC Campaign-related issues, proposed campaign rules.

For more information about the meeting, for a copy of the agenda, or if special accommodations are needed to attend this meeting because of a disability, please contact: John Kuczanski, Department of Management Services, 4050 Esplanade Way, Suite 280, Tallahassee, FL 32399-0950, (850)921-5266.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Pilotage Rate Review Board** announces an Official Board Meeting via telephone conference call to which all interested persons are invited.

DATE AND TIME: October 9, 2006, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Pilotage Rate Review Board, 1940 North Monroe Street, Tallahassee, FL 32399-2211. Telephone number to call: 1(888)808-6959, Conference Code 4878197.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board 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 proceedings is made. Such record must include the 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 the Department of Business and Professional Regulation, Pilotage Rate Review 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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955.8771 (TDD).

The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: October 10, 2006, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL. Telephone number to call: 1(888)808-6959, Conference Code 4878197.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

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, Board of Pilot Commissioners, (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 which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Accountancy**, Committee on Accounting Education, announces a public meeting to which all person are invited.

DATE AND TIME: Tuesday, October 24, 2006, 9:00 a.m.

PLACE: Conference call. Anyone wishing to participate in the meeting should notify Evelyn Anglehart no later than October 17, 2006 at (352)333-2505, ext 203.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider applications for the 2006 CPA Examination and other items relating to the educational requirements to sit for the CPA Examination.

A copy of the agenda may be obtained by writing: Veloria Kelly, Acting Division Director, Division of Certified Public Accounting, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Evelyn Anglehart, (352)333-2505. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, October 16, 2006, 2:00 p.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate at (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.) at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, October 17, 2006; Wednesday, October 18, 2006, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation at (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955.8770 (Voice) and 1(800)955.8771 (TDD).

The **Florida Real Estate Commission** announces a public Rule Workshop to which all persons are invited.

DATE AND TIME: October 17, 2006, 2:00 p.m. or soonest thereafter

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room N901, 400 W. Robinson Street, Hurston Building, North Tower, Orlando, Florida 32801, (407)245-0800

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the workshop is to discuss issues relating to Rule 61J2-10.025 – Advertising, Florida Administrative Code.

A copy of the agenda may be obtained by writing to: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801.

Any person requiring a special accommodation at this workshop because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. and 4:00 p.m.), at least five calendar days prior to the workshop. If you are hearing or speech impaired, please call the Florida Real Estate Commission using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Tuesday, October 17, 2006, 9:30 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd., Clearwater, FL 33760

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Mandy Lemons, 1(888)862-7010.

Additional information may be obtained by contacting: Mandy Lemons, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2006, 9:30 a.m.

PLACE: SJRWMD-Jacksonville Service Office, Reflections Building, Red Maple and Cypress Rooms, 7775 Baymeadows Way, Suite 102, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: The working group will work on development of a draft Basin Management Action Plan (BMAP) for presentation to the LSJR TMDL Executive Committee.

A copy of the agenda may be obtained by contacting: Pat Waters, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS 3555, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8449.

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 48 hours before the workshop/meeting by contacting: Pat Waters, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2006, 10:00 a.m. – 3:00 p.m.

PLACE: Conference Room A, Douglas Building, 3900 Commonwealth Blvd., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The newly formed Florida Water Resources Monitoring Council will meet to begin its charge to facilitate and coordinate monitoring of Florida's freshwater, estuarine, and marine water resources.

A copy of the agenda may be obtained by contacting Steve Wolfe, (850)245-2102, Steven.Wolfe@dep.state.fl.us

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 48 hours before the workshop/meeting by contacting Steve Wolfe, (850)245-2102, Steven.Wolfe@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection, Division of Water Resource Management**, announces a workshop to which all persons are invited.

DATE AND TIME: Monday, October 16, 2006, 10:00 a.m. (ET)

PLACE: Department of Environmental Protection, Rm. 609, Twin Towers Building, 2600 Blair Stone Road, Tallahassee, FL

DATE AND TIME: Thursday, October 19, 2006, 10:00 a.m. (CT)

PLACE: Gulf Coast Community College, Gibson Lecture Hall – Student Union East, 5230 W. Hwy. 98, Panama City, FL

DATE AND TIME: Friday, October 20, 2006, 10:00 a.m. (CT)

PLACE: Pensacola Junior College, Hagler Auditorium Lecture Hall, Bldg. 2, Rm. 252, 1000 College Boulevard, Pensacola, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments on revised draft rule amendments to Chapters 62-4, 62-312, and 62-341, F.A.C., and revised draft new Chapter 62-346, including Applicant's Handbook Volumes I and II, F.A.C., regarding Environmental Resource Permitting (ERP) in the geographical extent of the Northwest Florida Water Management District. These proposed rules have been revised based, in part, on comments received as a result of the workshops conducted on August 14, 17, and 18, 2006.

Drafts including the revisions are expected to be available by September 29, 2006, on the Department's Internet site at http://www.dep.state.fl.us/water/wetlands/erp/rules/draft_nw.htm

A copy of the agenda may be obtained by contacting: Beth Saska, Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, (850)245-8486, e-mail: beth.saska@dep.state.fl.us, or facsimile (850)245-8499. (Regarding 62-4: OGC 06-1119; 62-312: OGC 06-1122; 62-341: OGC 06-1124; 62-346: OGC 06-1126; 62-346.085 Vol. I: OGC 06-1381, Vol. II: OGC 06-1380)

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 48 days before the workshop/meeting by contacting Beth Saska at (850)245-8486. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2006, 1:30 p.m. – 4:00 p.m.

PLACE: SJRWMD-Jacksonville Service Office, Reflections Building, Red Maple and Cypress Rooms, 7775 Baymeadows Way, Suite 102, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Environmental Protection announces the rescheduling of the meeting for October 10, 2006. As a result, the meeting is now scheduled at the date, time and place shown above. The working group will work on development of a draft Basin Management Action Plan (BMAP) for presentation to the LSJR TMDL Executive Committee.

A copy of the agenda may be obtained by contacting: Ms. Pat Waters, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS 3555, Tallahassee, Florida 32399-2400 or by calling her at (850)245-8449.

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 48 hours before the workshop/meeting by contacting Ms. Pat Waters, (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Designated Uses and Classification Refinement Policy Advisory Committee (PAC) announces a public meeting to which all persons are invited.

DATE AND TIME: October 18, 2006, 10:00 a.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve, Environmental Education Center, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The PAC was formed to aid the Department in determining whether revisions to Florida's designated uses and current associated surface water body classification system contained in Chapter 62-302, Florida Administrative Code, are needed. This will be the seventh meeting of the PAC.

A copy of the agenda may be obtained by contacting: Stacey Feken, Water Quality Standards and Special Projects Program, Division of Water Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 3560, Tallahassee, Florida 32399-2400, E-mail: Stacey.feken@dep.state.fl.us, (850)245-8421, or by going to the Department's website at http://www.dep.state.fl.us/water/wqssp/d_use.htm

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 48 hours before the workshop/meeting by contacting Stacey Feken at (850)245-8421. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Monday, October 9, 2006, 1:00 p.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Bin #C07, Tallahassee, at Meet Me Number (850)488-4883

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/chiro/index.html

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.

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 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).

The **Board of Massage Therapy** announces a hearing to which all persons are invited.

DATE AND TIME: Friday, October 27, 2006, 9:00 a.m.

PLACE: Doubletree Hotel in the Garden, 4431 PGA Blvd., Palm Beach Gardens, Florida 33410

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Massage Therapy hereby give notice of a public hearing on the above-referenced rule. The rule was originally published in Vol. 32, No. 34 of the August 25, 2006. F.A.W.

A copy of the agenda may be obtained by contacting: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need 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.

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 five days before the workshop/meeting by contacting: 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). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399.

The **Board of Nursing**, North Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: October 9, 2006, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-5400

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing to: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: October 18, 2006, 12:30 p.m. – 3:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing to: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health, Board of Psychology** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2006, 1:00 p.m. or soon thereafter

PLACE: Homewood Suites, 5500 Blue Lagoon Drive, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Special Committee Meeting to discuss and draft language to implement HB775 or Section 490.0149, F.S. Specialties.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373, ext 3467.

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.

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 48 hours before the workshop/meeting by contacting: the board office, (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Health, Board of Psychology** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2006, 4:00 p.m. or soon thereafter

PLACE: Homewood Suites, 5500 Blue Lagoon Drive, Miami, FL 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, FL 32399-3255 or by calling the board office, (850)245-4373, ext. 3467.

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.

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 48 hours before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Health, Board of Psychology** announces a public meeting to which all persons are invited.

DATES AND TIME: October 13-14, 2006, 9:00 a.m. or soon thereafter

PLACE: Homewood Suites, 5500 Blue Lagoon Drive, Miami, Florida 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255 or by calling the board office, (850)245-4373, ext 3467.

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.

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 48 hours before the workshop/meeting by contacting the board office, (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Council of Licensed Midwifery** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, October 13, 2006, 9:00 a.m. or soon thereafter

PLACE: Meet me Number: Contact the Council of Licensed Midwifery at (850)245-4161 for the meet me number.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Council of Licensed Midwifery at (850)245-4161 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Respiratory Care** announces a public meeting to which all persons are invited.

DATE AND TIME: October 6, 2006, 8:30 a.m. or soon thereafter

PLACE: Embassy Suites, 9300 Baymeadows Road, Jacksonville, FL 32256, (904)731-3555

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255 or by calling the board office at (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/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the board office at (850)488-0595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** announces a meeting to which all interested persons are invited.

DATE AND TIME: October 13, 2006, 12:00 Noon – 1:00 p.m.

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 370-A, Tallahassee, Florida 32399. This meeting will be via conference call.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final contract negotiations with Public Partnerships, LLC, for Consumer Directed Care Plus Fiscal Employer Agent Services. Public Partnerships was selected as contractor in response to Request for Proposal (RFP) Number 05L06KS1.

The **Department of Children and Family Services**, Assistant Secretary for Substance Abuse and Mental Health Office announces the following meetings of the DCF Baker Act Workgroup.

DATE AND TIME: October 13, 2006, 10:00 a.m. – 4:00 p.m.

PLACE: Winewood Conference Center, 1317 Winewood Boulevard, Building 4, Tallahassee, FL

DATE AND TIME: November 3, 2006, 10:00 a.m. – 4:00 p.m.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

DATE AND TIME: December 8, 2006, 10:00 a.m. – 4:00 p.m.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 11, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance by Florida Housing of tax-exempt bonds in an aggregate face amount not to exceed \$2,700,000 for the purpose of refunding the \$2,700,000 Florida Housing Finance Corporation Taxable Multifamily Mortgage Revenue Bonds 2002 Series K-2 (Tuscany Lakes) issued to finance a portion of the cost of the acquisition and construction of the multifamily residential rental development described below:

Tuscany Lakes Apartments, a 348-unit multifamily residential rental development located at 3550 58th Place, Ellenton, Manatee County, Florida 34222. The owner and operator of the development is Tuscany Lakes, Ltd., 2950 S. W. 27th Avenue, Miami, FL 33133, or such successor in interest in which The Carlisle Group, Inc., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The manager of the development is Carlisle Property Management, Inc., 2950 S. W. 27th Avenue, Miami, FL 33133.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), October 10, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation at (850)488-4197.

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.

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 days before the workshop/meeting by contacting: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation at (850)488-4197. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2006, 9:00 a.m. – until adjourned

PLACE: Hilton Garden Inn, 12 Via de Luna, Pensacola Beach, FL 32561, 1(866)916-2999

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.

17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the October 20, 2006, Board Meeting.

A copy of the agenda may be obtained approximately two days prior to the meeting by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website at www.floridahousing.org.

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.

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 days before the workshop/meeting by contacting: Sheila Freaney at the Florida Housing Finance Corporation at (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Sheila Freaney at the Florida Housing Finance Corporation at (850)488-4197.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE OF CANCELLATION – The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATES AND TIMES: November 8, 2006, 9:00 a.m. – 5:00 p.m.; November 9, 2006, 8:30 a.m. – 1:00 p.m.

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: NOTICE OF MEETING CANCELLED.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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.

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 days before the workshop/meeting by contacting The ADA Coordinator, at (805)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

FINANCIAL SERVICES COMMISSION

The **Department of Financial Services, Division of State Fire Marshal**, announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2006, 2:00 p.m.

PLACE: Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Firefighters Employment, Standards, and Training Council.

A copy of the agenda may be obtained by writing: Department of Financial Services, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486, or by calling (352)369-2800.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the address or phone number listed above no later than 48 hours prior to the meeting or workshop.

The **Department of Financial Services, Division of State Fire Marshal**, announces a public meeting to which all persons are invited.

DATE AND TIME: October 13, 2006, 4:00 p.m.

PLACE: Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Fire and Emergency Incident Information System Technical Advisory Panel.

A copy of the agenda may be obtained by writing: Department of Financial Services, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486, or by calling (352)369-2800.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the address or phone number listed above no later than 48 hours prior to the meeting or workshop.

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: Friday, October 6, 2006, 10:00 a.m.

PLACE: 401 Senate Office Building (adjacent to The Capitol), Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Universal Property and Casualty Insurance Company has requested an average statewide rate increase of 43.0% for its dwelling fire insurance. The requested rate increase is 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 the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at ratehearings@fldfs.com; the subject line of your e-mail should read "Universal."

A copy of the agenda may be obtained by contacting Rhoda K. Johnson, Esquire, (850)413-4220 or Sam Coskey, (850)413-2616.

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 48 hours before the workshop/meeting by contacting Sam Coskey, (850)413-2616 or e-mail him at sam.coskey@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Rhoda K. Johnson, Esquire, (850)413-4220 or Sam Coskey, (850)413-2616.

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: Friday, October 6, 2006, 1:00 p.m.

PLACE: 401 Senate Office Building (entry via The Capitol), Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Sunshine State Insurance Company has requested the following average statewide increases for its homeowners insurance: 70.7% for the Everglades Program; 59.6% for the Qualsure Preferred Program; and 56.2% for the Qualsure Assumed Program. The requested rate increases are not uniform and some areas are subject to higher rate increases. 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 the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at ratehearings@fldfs.com; the subject line of your e-mail should read "Sunshine State."

A copy of the agenda may be obtained by contacting Lori Fitzsimmons, Esquire, (850)413-4158, or Sam Coskey, (850)413-2616.

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 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Lori Fitzsimmons, Esquire, (850)413-4158, or Sam Coskey, (850)413-2616.

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 9, 2006, 1:00 p.m. – conclusion

PLACE: Senate Office Building Room 401 (entry via The Capitol), S. Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider a Workers' Compensation filing made by the National Council on Compensation Insurance, Inc., by which the Council requests an overall average decrease in rate levels of 13.3% for the voluntary market for all new and renewal Workers' Compensation Insurance policies written in the State of Florida, effective January 1, 2007.

A copy of the agenda may be obtained by contacting: Office of Insurance Regulation, attention: James Watford, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

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 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: James Watford, Actuary, Room 212-F, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0330.

STATEWIDE ADVOCACY COUNCIL

The **Florida Local Advocacy Councils**, Service Area 12 announce meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public. Developmental Disabilities Council Meetings

DATES AND TIME: October 4, 2006; November 1, 2006; January 3, 2007; February 7, 2007; March 7, 2007; May 2, 2007; June 6, 2007, 10:00 a.m.

PLACE: Coalition for Independent Living Options (CILO), 6800 Forrest Hill Blvd., West Palm Beach, FL

Multi-Program Meetings

DATES AND TIME: October 30, 2006; January 8, 2007; February 12, 2007; March 12, 2007; May 14, 2007; June 11, 2007, 10:00 a.m.

PLACE: Boynton Beach Public Library, 9451 Jog Rd., Boynton Beach, FL

Mental Health Meetings

DATES AND TIME: October 16, 2006; November 20, 2006; January 16, 2007; February 20, 2007; March 19, 2007; April 16, 2007; May 21, 2007; June 11, 2007, 10:00 a.m.

PLACE: The United Way of Palm Beach County Conference Center, 2600 Quantum Blvd., Boynton Beach, FL

Please call 1(800)342-0825 to confirm the time and place of the meeting.

The **Florida Local Advocacy Council**, Service Area 11 announces meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public. Multi-Program Council meetings

DATES AND TIME: October 10, 2006; December 12, 2006; January 9, 2007; February 13, 2007; March 13, 2007; April 10, 2007; May 8, 2007; June 12, 2007, 9:00 a.m.

PLACE: The Clem C. Benton Regional Service Center, 337 N. U.S. Highway #1, Room 337F, Fort Pierce, FL 34950

Please call 1(800)342-0825 to confirm the time and place of the meeting.

The **Florida Local Advocacy Councils**, Service Area 13 announce meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public.

Developmental Disabilities Council Meetings

DATES AND TIME: October 11, 2006; November 8, 2006; January 10, 2007; February 14, 2007; March 14, 2007; April 11, 2007; May 9, 2007; June 13, 2007, 6:00 p.m.

PLACE: 201 W. Broward Blvd., Ste. 104B, Fort Lauderdale, FL 33301

Multi-Program Meetings

DATES AND TIME: October 12, 2006; November 9, 2006; January 11, 2007; February 8, 2007; March 8, 2007; April 12, 2007; May 10, 2007; June 14, 2007, 12:00 Noon

PLACE: 201 W. Broward Blvd., Ste. 104B, Fort Lauderdale, FL 33301

Mental Health Meetings

DATES AND TIME: October 26, 2006; November 21, 2006; January 16, 2007; February 20, 2007; March 20, 2007; April 17, 2007; May 15, 2007; June 19, 2007, 2:00 p.m.

PLACE: The Geo Care Inc./South Florida State Hospital, 800 East Cypress Drive, Pembroke Pines, FL 33025

Please call 1(800)342-0825 to confirm the time and place of the meeting.

The **Florida Local Advocacy Council**, Service Area 14 announces meetings for all Local Advocacy Council members, including the Chair and Vice-Chair, and administrative office staff. Parts of the meetings are open to the public.

Multi-Program Council meetings

DATES AND TIME: October 23, 2006; November 27, 2006; January 22, 2007; February 26, 2007; March 26, 2007; April 23, 2007; June 25, 2007, 5:30 p.m.

PLACE: The Geo Care Inc./Southeast Evaluation and Treatment Center, Oak Room, 2200 N. W. 7th. Avenue, Miami, FL 33127

Please call 1(800)342-0825 to confirm the time and place of the meeting.

**COUNCIL ON STATE AGENCY INSPECTORS
GENERAL**

The **Council on State Agency Inspectors General** announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: Department of Business and Professional Regulation, Board Room, 1940 N. Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary objectives of this fourth meeting of the Council will be continuing business of the Council's legislative mandate.

For more information, you may contact: Derry Harper, Chief Inspector General, The Capitol, Room 2103, Tallahassee, FL 32399, (850)922-4637.

PRIDE ENTERPRISES

PRIDE Enterprises BOD announces a Strategic Plan Committee meeting to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, October 10, 2006, 11:30 a.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott, www.pride-enterprises.org

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <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, Molokai Villas Condominium Association, Inc., Petitioner; Docket Number 2006035317.

The Division declares that under Sections 718.111(11) and 718.115, Florida Statutes (2006), Molokai Villas Condominium Associations, Inc., which is required to insure the condominium property, which includes the buildings, under article 16 of the declaration and Section 718.111(11)(a), Florida Statutes (2006), may not pass on to the four unit owners who own units in the building destroyed by fire and hurricane costs of rebuilding the structure, notwithstanding provisions in the declaration shifting this cost and responsibility to these owners.

A copy of the Declaratory Statement, Docket Number 2006035317, may be obtained by writing to: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Theodore H. Wood, Unit Owner and Petitioner, Snug Harbor Lakes Condominium Association, Inc.; Docket No. 2006046932.

The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(2), Florida Statutes and subsection 61B-23.002(10), Florida Administrative Code, as it applies to the Petitioner.

Whether under Section 718.112(2)(2), Florida Statutes and subsection 61B-23.002(10), Florida Administrative Code, an association rule requiring unit owner to give the board twenty four (24) hour advance notice of their intent to tape record or videotape a meeting is reasonable.

A copy of the Petition for Declaratory Statement, Docket Number 2006046932 may be obtained by writing to: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT The Board of Medicine has received the petition for declaratory statement from Stephen E. Mitteldorf, M.D., on September 19, 2006. The petition seeks the agency's opinion as to the applicability of Section 458.331(1)(i), Florida Statutes, as it applies to the petitioner.

The Petitioner seeks the Board's interpretation of Section 458.331(1)(i), F.S., with regard to imposition of discipline upon physicians who enter into a marketing and referral relationship with the "Stop Smoking Program."

A copy of the Petition for Declaratory Statement may be obtained by contacting: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Wanda Gibbons, RN on July 10, 2006. The following is a summary of the agency's disposition of the petition:

The Board of Nursing considered the Petition at its meeting held on August 10, 2006, in Jacksonville, Florida. The Board's Order, filed on August 29, 2006, dismissed the Petition for Declaratory Statement, finding that the petition is not in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services, Division of Legal Services, has received a Petition for Declaratory Statement filed September 13, 2006, from Jon Bond, Petitioner. The Petition requests an

interpretation of: 1) Sections 624.10, 624.11, 624.401, 624.402, 626.8805, 626.901, 626.918, 626.112(5), 626.7451, and 626.7455 Florida Statutes; 2) Consent Orders issued in Office of Insurance Regulation case 75751-04; 3) and a March 7, 2006 Notice of Denial issued to a certain license applicant. The Petitioner specifically asks the Division of Legal Services: 1) to confirm that the sale, administration, and underwriting of insurance to the Petitioner as described in his petition by the parties Petitioner identifies was unauthorized; 2) to confirm that the sale, administration, and underwriting of an unauthorized insurance policy to the Petitioner in Florida as described in his petition by the parties Petitioner identifies were criminal acts and insurance fraud as contemplated by the Florida Insurance Code; 3) to confirm that other acts of transacting insurance in Florida since 2003 to September 11, 2006, by the parties Petitioner identifies were unauthorized and unlawful and in violation of the Florida Insurance Code. A copy of the Petition may be obtained by request from: Michael T. Ruff, Senior Attorney, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by the Coral Gables Fire Department, Fire Prevention Division. The Petition requests guidance regarding the extinguishment requirements for a high rise mixed occupancy condominium building. The Declaratory Statement finds that the Petitioner is a substantially affected person, and that Chapter 633, Florida Statutes, and rules promulgated pursuant thereto, require the building to be fully sprinklered throughout. The Declaratory Statement declines to make findings on the meaning of provisions in Chapter 718, Florida Statutes, over which it has no jurisdiction.

A copy of the order may be obtained from: Lesley Mendelson, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0340, (850)413-3604, or you may fax your request to (850)922-1235. An unsigned by exact copy of the order is also available on the Division of State Fire Marshal website which may be accessed at: <http://www.fldfs.com/SFM/sfmdeclaratorysummaries.htm>.

Section VIII Notices of Petitions and Dispositions Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX Notices of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

INVITATION TO BID

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
Facilities Maintenance, Purchasing
114F Mendenhall Building A
Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not acceptable. For information relating to the Invitation(s) to Bid, contact the

Bid Number: FAC96-06
Purchasing Agent: B. J. Lewis, Facilities
MANDATORY PRE BID: October 17, 2006, 10:00 a.m.
LOCATION: Foyer between Kuersteiner & Housewright

Off of Copeland Street
Public Bid Opening: November 1, 2006, at 2:00 p.m.
FSU-Facilities Maintenance
116 Mendenhall Hall, Building A
Tallahassee, Florida 32306-4150
Facilities Maintenance Purchasing

Bid Documents: The prequalification package may be obtained from: Architect's office, 211 John Knox Road, Suite 105, Tallahassee, Florida 32303. The completed prequalification packages are to be returned to the Architect at the time of the Prebid Meeting on October 17, 2006, at 10:00 a.m. Only those contractors who are prequalified will be eligible to bid this project.

NOTICE TO PROFESSIONAL CONSULTANTS

Florida State University announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project No. FS 228

College of Education Building Expansion

Florida State University, Tallahassee, Florida

The project consists of constructing an addition of approximately 23,000 gross square feet and the renovation of approximately 11,000 gross square feet for the College of Education in the existing Stone Building. The new addition will allow the Middle and Secondary Education Department to collocate to the Stone Building. The majority of the building renovation is to relocate the Dean's suite into a more visible, consolidated location within the building.

The selected firm will be asked to consider other aspects of the existing building and its current site. One desire is that a clearly defined entrance be designed into the building, possibly one that could also serve as a "gathering space" for students and faculty to congregate. The addition and the existing building should be integrated with wireless technology and be flexible to adapt to future technologies. The existing site features, parking and landscaping should appear as a cohesive, well designed site upon completion of this project.

The architectural firm will be required to provide design, construction documents and construction administration for the referenced project, which is currently budgeted at \$7,800,000 for construction. The project delivery system will be by construction management. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and must be provided as a part of Basic Services.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application must have attached:

1. A completed Florida State University "Professional Qualifications Supplement", dated August, 2003. Applications on any other form, or on versions dated prior to August 2003, 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 seven (7) 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, subcontractor, or consultant in excess of \$50,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained through our website, www.fpc.fsu.edu, or by contacting: Lynetta Mills, Facilities Design and Construction, 109 Mendenhall, Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-3591 telephone, (850)644-8351 facsimile.

For further information on the project, contact Daryl Ellison, Assistant Director, at the address above or at (850)645-1007. Copies of the Program may be obtained at the Applicant's expense by contacting: Target Copy, 635 W. Tennessee St., Tallahassee, FL, (850)224-3007.

Submittals must be received in the above office, by 2:00 p.m. local time, on Friday October, 27, 2006. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered.

PUBLIC ANNOUNCEMENT FOR PROCUREMENT OF PROFESSIONAL – ARCHITECTURAL SERVICES FOR CONTINUING CONTRACTS

The Florida School for the Deaf and the Blind (FSDB) requests qualifications from Architectural firms to provide basic architectural and engineering services for Continuing Contracts. The firms selected under the Continuing Contracts will be responsible for assigned facility projects having estimated construction costs and study fees not exceeding \$1,000,000 (construction) and \$50,000 (study fees) respectively, as provided for in Section 287.055, Florida Statutes. The contracts will have an initial period of one year with the option to renew for two additional one-year periods. Selection of finalists will be held in accordance with Section 287.055, Florida Statutes.

INSTRUCTIONS

Firms interested in being considered for the Continuing Contracts must submit five (5) copies of their application with table of contents and tabbed sections containing the following information:

1. Letter of interest detailing the firm's competence in various aspects of architecture, including small projects, remodeling, additions, reroofing, studies, instructional and governmental projects. Include a list of sample projects.
2. A current Professional Qualifications Supplement (PQS) Form AE12 completed by the applicant.
3. A copy of the firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter Certificate showing validation date and designation of professionals qualifying the corporation to practice in the disciplines for which it is applying.
5. A current, completed SF-254.
6. A current, completed SF-255, with resumes of proposed personnel to be assigned.

Submittals must be received no later than 4:00 p.m. local time on Monday, October 30, 2006, and should be mailed or delivered to: Florida School for the Deaf and the Blind, Attn: Mr. John Connor, Purchasing Director, Stores & Receiving, Building #28, 207 N. San Marco Ave., St. Augustine, FL 32084-2799. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants will be short-listed on Monday, November 6, 2006. Informal discussions with the short-listed firms will be conducted on Monday, November 13, 2006. A final selection will be made after the informal discussions have taken place. The selected firms will be given official notice of selection results by FAX and/or mail.

The results of the short-list and final selection will be posted at: FSDB, Purchasing Dept., 207 N. San Marco Ave., Stores & Receiving, Building #28, St. Augustine, FL and may be viewed during regular working days between the hours of 7:00 a.m. through 4:00 p.m. beginning 24 hours after the selection. Final selection results will also be posted in the F.A.W. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Applicants are advised that plans and specifications for A/E projects may be reused.

NOTICE TO PROFESSIONAL CONSULTANTS FOR

Request for Qualifications (RFQ) Professional Services Architect/Engineering Services

The Office of Facilities Design and Construction announces that Architect/Engineer services are required for a project entitled New K-8 103rd Street/Westside No. 274 for Duval County Public Schools. The firm selected will be responsible for design, bid review and construction administration of this project having an estimated construction cost of approximately \$30,800,000.00 CONSTRUCTION BUDGET. The project scope shall consist of construction of a new K-8 school on the 103rd Street site under DCSB Project No. C-90470. Project Delivery will either be Construction Manager-At-Risk or competitively bid.

Applications are to be sent to:

Duval County Public Schools
Facilities Design and Construction
1701 Prudential Drive – 5th Floor
Jacksonville, FL 32207-8182

PROJECT MANAGER: Thomas C. Young
PHONE NO.: (904)390-2279

RESPONSE DUE DATE: RFQ's ARE DUE ON OR BEFORE (October 23, 2006)
AND WILL BE ACCEPTED UNTIL 4:30 p.m.

MBE GOALS: 20% Overall Participation

Information on the selection process can be found at www.educationcentral.org/facilities under Selection Booklets. Applicants are advised that all plans, drawings and specifications for this project may be reused by the Owner as a prototype for future projects in the District.

The Total Project Budget is \$42,000,000 however; DCPS has received appropriations totaling only \$2,000,000 for 06/07. Additional appropriation in the amount of \$20,000,000 is expected in 07/08 and another \$20,000,000 in 08/09.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

METROPOLITAN PLANNING ORGANIZATIONS

REQUEST FOR PROPOSALS NOTICE TO PROFESSIONAL CONSULTANTS

The Pinellas County Metropolitan Planning Organization (MPO), in conjunction with the Florida Department of Transportation (FDOT), is conducting a guideway study and is

accepting technical proposals from qualified General Planning Consultants to provide professional services on the following transit planning project:

PROJECT: DOWNTOWN CLEARWATER TO CLEARWATER BEACH GUIDEWAY PROJECT

The Complete RFP Package can be found at www.pinellascounty.org/mpo/guidewayrfp.htm. The consultant will be required to fulfill task requirements including Re-evaluation of System Configuration and Station Locations, Ridership Evaluation, Cost Evaluation and Development of a Scope for the Next Phase.

Consideration will be given to only those firms that have been prequalified by the Florida Department of Transportation to perform the indicated MAJOR Type(s) of Work.

Major Type of Work: 13.4, 13.5

Minor Type of Work: 13.3, 13.6, 13.7

RESPONSE EVALUATION: All respondents will be evaluated in accordance with Section 287.055(4), F.S., and must be determined by the MPO and the FDOT as qualified to do business in Florida and qualified to perform the advertised work requirements. The above project falls into the selection process so indicated in Chapter 14-75, F.A.C. wherein at least three (3) firms will be requested to submit technical proposals. The contract fee will be negotiated in accordance with Section 287.055, F.S.

Lobbying of PMI Steering Committee members, Pinellas County MPO employees and elected officials regarding this RFP by any member of a Proposer's staff, or those people who are members of, or employed by, any legal entity affiliated with an organization that is responding to the RFP is strictly prohibited. Such actions may cause your proposal, or the proposal you are supporting, to be rejected.

SUBCONSULTANT OPPORTUNITY: Subconsultants that are not pre-qualified by the FDOT shall be subject to compensation restrictions as specified in Chapter 14-75, F.A.C. Any such subconsultant utilized must be technically qualified by the FDOT before work may commence. Preference points will be given in the technical proposal evaluation for certified DBE consultants and non-DBE consultants who propose certified DBE subconsultants.

NOTIFICATION OF CRIME CONVICTION: Each applicant shall notify the FDOT within 30 days after a conviction of a contract crime applicable to it or any officers, directors, executive, shareholders active in management, employees, or agents of its affiliates. Under Section 337.164, F.S., the privilege of conducting business with the FDOT shall be denied to applicants so convicted until such applicant is properly reinstated pursuant to Section 337.165, F.S., and Chapter 14-75, F.A.C.

FEDERAL DEBARMENT: By signing and submitting a Letter of Response/Proposal, the consultant certifies that no principal (which includes officers, directors, or executives) is presently

debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation on this transaction by any federal department or agency.

EQUAL OPPORTUNITY AND DISADVANTAGED BUSINESS ENTERPRISE PROGRAM STATEMENT: The MPO does not discriminate on any basis, as required by 49 USC 5332 (which prohibits discrimination on the basis of race, color, creed, national origin, sex or age in employment or business opportunity), Title VI of the Civil Rights Act of 1964, as amended 42 USC 2000d to 2000d-4, and Title 49 CFR, Part 21. The MPO ensures, in accordance with 49 CFR Part 26, that certified FDOT Disadvantaged Business Enterprise Program participants have an equal opportunity to receive and participate in FDOT assisted contracts.

PROPOSAL RECEIPT: RFP Proposals must be received by 4:30 p.m. (EST) on October 20, 2006, at the MPO offices. Questions concerning the RFP must be submitted to Heather Sobush at hsobush@pinellascounty.org by October 6, 2006. Responses to all questions will be posted at one time by 4:30 p.m. October 10, 2006, on the MPO website at www.pinellascounty.org/mpo/guidewayrfp.htm

One original, nine copies and one .pdf version on CD of the proposal must be submitted to:

Heather Sobush

Pinellas County Metropolitan Planning Organization

600 Cleveland St., Suite 750

Clearwater, FL 33755

E-MAIL: hsobush@pinellascounty.org

PHONE: (727)464-8200

FAX: (727)464-8201

The outside of the package containing the proposal must be marked "PROPOSAL TO PROVIDE PROFESSIONAL PLANNING SERVICES TO THE PINELLAS COUNTY MPO" The MPO will accept no responsibility for proposals not so marked. Proposals are to remain in effect for 90 calendar days from the date of submission. The MPO reserves the right to reject any and all proposals, to waive any formality concerning proposals, or negotiate changes to the proposals whenever such rejection or waiver or negotiation is in the best interest of the MPO.

Proposals must follow the above RFP format and include, at a minimum, the following information:

1. Name and Address of Firm
2. Contact person for the project and telephone number and email address
3. Key personnel, their titles and/or classification
4. Subconsultants that may be used for the project
5. Relevant past experiences
6. Firm's Certified DBE status
7. Name(s) of DBE FDOT certified subconsultants that may be used for the project.

***SHORTLIST SELECTION PROCESS:** The PMI Steering Committee will evaluate the proposals received, reserving the right to reject all, and will develop a shortlist of a minimum of three FDOT pre-qualified firms. The shortlisted firms will be notified by mail or e-mail and will be invited to provide oral presentations lasting no longer than ½ hour each to the PMI Committee. The committee will then select one firm and forward their recommendation to the MPO Board for their approval.

SCHEDULE: The proposed schedule for this RFP is as follows:

RFP issued	September 29
Questions/Clarifications received by 4:30 p.m.	October 6
Response to questions posted	October 10
Proposals due to MPO and FDOT by 4:30 p.m.	October 20
Shortlist PMI meeting	November 6
Oral presentations to PMI and Selection	December 11 Tentative*
Recommendation submitted to MPO Board	December 13 Tentative*
Contract Executed and Notice to Proceed	January 10 Tentative*

The MPO reserves the right to change the above schedule as necessary. Any changes will be posted on the RFP website.

*If five or fewer proposals are received from qualified firms, the PMI Committee may consider those received as the shortlist. In this event, the PMI Committee may hear oral presentations and proceed with selection on November 6. In this case, a recommendation would be submitted to the MPO Board on November 8, with contract execution to occur on December 13.

DEPARTMENT OF MANAGEMENT SERVICES

Notice of Bid/Request for Proposal PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: DCA-25070000

PROJECT NAME: Emergency Power Initiative Special Needs Shelters (SpNS), Phase II

PROJECT LOCATION: Statewide Divided Into North and South Regions

BUDGET: +/- \$20,000,000.00 in each Region

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management.

For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

MID-FLORIDA AREA AGENCY ON AGING, INC.

REQUEST FOR PROPOSALS

Competitive proposals will be received by the Mid-Florida Area Agency on Aging, Inc. until 3:00 p.m., on November 2, 2006 for the provision of an array of home and community based supportive, nutrition, disease information, health promotion and family caregiver services under the Older Americans Act to older persons residing in the following counties respectively: Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, and Union. The proposal package and application instructions may be obtained from the office of the Mid-Florida Area Agency on Aging, Inc. on September 29, 2006 or thereafter. A bidders conference will be conducted concerning this Request for Proposals at 2:00 p.m. on October 5, 2006. Interested parties are encouraged to attend the bidders conference at the following location:

Florida Farm Bureau Building
5700 S. W. 34th Street, Suite 222
Gainesville, Florida

The Mid-Florida Area Agency on Aging, Inc. reserves the right to reject any and all proposals.

Correspondence concerning this Request for Proposals should be addressed to:

Ms. Vidya R. Hogan, Director of Consumer Services
Mid-Florida Area Agency on Aging, Inc.
5700 S. W. 34th Street, Suite 222
Gainesville, Florida 32608
(352)378-6649

EARLY LEARNING COALITION OF MIAMI-DADE/MONROE, INC.

ADVERTISEMENT FOR REQUEST FOR PROPOSAL # ELCMDM2006-005 for Early Learning Coalition of Miami-Dade/Monroe, Inc., 2555 Ponce de Leon Blvd., Suite 500, Coral Gables, FL 33134, Yanet Valeron, Director of Contracts, yvaleron@elcmdm.org, (305)646-7219, will receive sealed bids at the above address for Miami-Dade Voluntary Pre-Kindergarten Services, on or before 4:00 p.m., on Tuesday, October 31, 2006. The Request for Proposal may be downloaded from the website www.elcmdm.com in the Request for Proposal section of the Download Center. The services consist of providing every 4-year old child in Florida a high quality Voluntary Pre-Kindergarten program, which ensures that all children are intellectually, emotionally,

physically, and socially ready to enter school, ready to learn, and fully recognizing the crucial roles of parents as their child's first teacher. There will be a Mandatory Applicant's Conference on Wednesday, October 18th at 1:00 p.m. The Early Learning Coalition of Miami-Dade/Monroe reserves the right to reject any and all proposals, to waive informality in any proposal or to re-advertise.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

STATEWIDE COMPETITIVE GRANTS TO STRUCTURALLY ENHANCE OR RETROFIT PUBLIC HURRICANE EVACUATION SHELTERS, 2006

The Division of Emergency Management gives notice of its intent to open a competitive grant application process to structurally enhance or retrofit public hurricane evacuation shelters.

In House Bill (HB) 7121, the 2006 Legislature found that retrofitting public hurricane evacuation shelters is an efficient and economical method of accelerating state and local efforts to reduce the deficit of safe shelter space. The enacted legislation directs the Division of Emergency Management (DEM) to establish a statewide competitive grant application process for proposals to enhance or retrofit public hurricane evacuation shelters, such that those shelters will meet minimum safety criteria upon completion of the projects. Therefore, DEM is soliciting applications on a competitive basis to enhance or retrofit public hurricane evacuation shelters. The application may contain one or more independent proposals.

All applications must include a written recommendation from the county emergency management agency that states that upon completion of the proposed enhancement or retrofit project, that the shelter will be designated as a public hurricane evacuation shelter. The Applicant must also state in writing that, for a period of not less than 15 years, upon request of local or state emergency management agencies during a declared state or local emergency, the completed shelter will be made available for emergency management purposes.

Eligible Applicants include state, regional and local government agencies, and private non-profit organizations. The total amount of funding available under this offering is \$15 million for the purpose of improving structural survivability. DEM has been authorized to use up to five percent of the funds to administer awarded grants. The application cycle officially opens September 20, 2006, with an application deadline of October 25, 2006. Grant funds provided under this application process will be provided to

award recipients contingent on availability and approved Legislative Budget Authority. Projects that receive funding under this competitive grant process must be completed by June 30, 2009, unless the award is extended with the approval of DEM.

Applications in response to the Notice of Funding Availability published in Section XII, pp. 2568 and 2569 of Vol. 32, No. 22, June 2, 2006, F.A.W., and that were received by the application deadline, shall be considered in relation to this notice and do not need to be resubmitted.

Funding under this grant application process is subject to eligibility requirements of the federal Hazard Mitigation Grant Program (HMGP). HMGP funding is only applicable to costs associated with "above code" construction improvements that protect the hurricane shelter building, occupants and contents from natural hazards and their effects. Prior to award of HMGP funds, the Applicant is required to submit an HMGP application and be determined to meet all eligibility criteria, including demonstrated cost-effectiveness. However, completion of the HMGP-specific application is not necessary to meet the October 25, 2006 project proposal submission deadline. Only the "Statewide Competitive Grants to Structurally Enhance or Retrofit Public Hurricane Evacuation Shelters Application" found at www.floridadisaster.org must be completed and received by the October 25, 2006 deadline. Projects offered funding under this NOFA will be required to submit an HMGP application prior to the award of funds. Failure to submit the required application, or failure to meet HMGP eligibility criteria, shall result in denial of funds. The Applicant is encouraged to provide as much information as available with their initial application. The HMGP application can be found at the following URL address: http://www.floridadisaster.org/brm/hmgrp_proc_forms.htm

At a minimum, all projects that receive grant funds under this application process must meet the structural and siting criteria established in the American Red Cross' publication "Standards for Hurricane Evacuation Shelter Selection" (ARC 4496, January 2002). Failure to supply the required documentation, or disapproval of this documentation by DEM, shall result in denial of funds. To enhance survivability, DEM recommends hurricane performance criteria that exceed ARC 4496. DEM encourages enhancement or retrofit proposals that specify that the shelter will meet or exceed design criteria established in the Florida Building Code-Building (FBC) Section 423.25 "Public Shelter Design Criteria," including the recommended 40 mile-per-hour increase in map wind speed, plus ASTM E 1996-02 Level E windborne debris impact protection, or similar design criteria approved by DEM.

Criteria for prioritizing and recommending the funding for enhancement or retrofitting of public hurricane evacuation shelters will include, but is not limited to, shelter needs of the county as well as the overall needs of the hurricane evacuation

planning region, cost-effectiveness of the project in terms of both the number of public hurricane shelter spaces created and cost per space, and priority ranking of the proposed project in the applicable local mitigation strategy. Statewide, regional and county hurricane shelter space demand and surplus/deficit status will be based upon data published in the DEM "2006 Statewide Emergency Shelter Plan." In reviewing proposals, DEM will consider all state and local funds already committed for the project which have not been expended, and that will decrease the project's fiscal need once expended.

Eligible activities include structural renovation, enhancement or retrofit of the shelter facility and essential infrastructure needed to meet the structural and siting survivability requirements. Funding may not include land acquisition, purchase of equipment, furnishings, communications and other operational systems, emergency electric power generators or prewiring systems, or recurring expenditures.

Application and attachments are not to exceed 8½ x 11 page size, and attachments are to be limited to a maximum of 15 pages. The cover page of the application must contain an original authorized signature by the chief elected official or the chairman of the governing board, or duly authorized chief executive officer or other government official. The signature demonstrates endorsement of the application and commitment of funds, if applicable. Evidence of the delegation of authority shall be supplied with the application. If the government entity does not have a governing board or chief elected official, then the application shall be signed by the chief administrative officer, and evidence of his or her authority supplied with the application. If the Applicant is not a governmental entity, then the application shall be signed by the governing board, or if no governing board, then the application shall be signed by the chief executive officer.

In order to be considered for funding, one (1) original plus four (4) identical hard copies of the completed applications with attachments must be received by 4:00 p.m. local time, October 25, 2006 at the following address:

Florida Department of Community Affairs
Division of Emergency Management
Bureau of Preparedness and Response
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

ATTN: Public Hurricane Shelter Retrofit Initiative

Division of Emergency Management staff will be available to assist in the application process. If there are any questions, please contact Mr. Danny Kilcollins at (850)413-9859 or e-mail at danny.kilcollins@dca.state.fl.us, or Mr. Dean Griffin

at (850)413-9954 or e-mail at dean.griffin@dca.state.fl.us. THE APPLICATION FOR THIS NOTICE CAN BE FOUND AT WWW.FLORIDADISASTER.ORG

DCA Final Order No.: DCA06-OR-227

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: LAND DEVELOPMENT REGULATIONS

ADOPTED BY CITY OF KEY WEST

ORDINANCE NO. 06-14

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2005), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On August 7, 2006 the Department received for review City of Key West Ordinance No. 06-14, which was adopted by the City of Key West City Commission on August 2, 2006 ("Ord. 06-14"). Ord. 06-14 amends certain sections of Chapter 90 of the Code of Ordinances pertaining to the Historic Architectural Review Commission ("HARC") and provides clarification relating to procedures for the selection of HARC members, review by the special magistrate, contributing and noncontributing buildings or structures, expiration of a certificate of appropriateness, and demolitions.
3. Ord. 06-14 is consistent with §§ 163.31777 and 163.3175, Fla. Stat. (2005).
4. Ord. 06-14 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2005).
6. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2005) and Rule 28-36.001, Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 06-14 are land development regulations.
8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd., 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in subsection 28-36.003(1), Fla. Admin. Code.
9. Ord. 06-14 promotes and furthers the following Principles in subsection 28-36.003(1), Fla. Admin. Code:
 - (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.
 - (g) To protect the historic heritage of the Florida Keys.
10. Ord. 06-14 is not inconsistent with the remaining Principles. Ord. 06-14 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 06-14 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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 20th day of September, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:
The Honorable Morgan McPherson
Mayor, City of Key West
P. O. Box 1409
Key West, Florida 33041

Cheryl Smith
Clerk to the City Commission
P. O. Box 1409
Key West, Florida 33041

Robert Tischenkel
City Attorney
P. O. Box 1409
Key West, FL 33041

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 (2005), Redneck Engineering intends to allow the establishment of Chrank & Chrome Cycles, Inc., as a dealership for the sale of Redneck motorcycles at 1533 Ridgewood Avenue, Holly Hill (Volusia County), Florida 32117, on or after September 8, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Chrank & Chrome Cycles, Inc., are dealer operator(s): Barry Zinn, 1533 Ridgewood Avenue, Holly Hill, Florida 32117; principal investor(s): Barry Zinn, 1533 Ridgewood Avenue, Holly Hill, Florida 32117.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Mike Marquart, President, Redneck Engineering, 107 Nix Road, Liberty, South Carolina 29657.

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 (2005), JAG Power Sports, d/b/a CPI-USA, intends to allow the establishment of New Smyrna Beach Scooters, Inc., as a dealership for the sale of JAG motorcycles at 323 B Flagler Avenue, New Smyrna Beach (Volusia County), Florida 32169, on or after September 8, 2006.

The name and address of the dealer operator(s) and principal investor(s) of New Smyrna Beach Scooters, Inc., are dealer operator(s): Larry Johnson, 323 B Flagler Avenue, New Smyrna Beach, Florida, 32169; principal investor(s): Larry Johnson, 323 B Flagler Avenue, New Smyrna Beach, Florida 32169.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Patricia Wei, Owner/President, JAG Power Sports, d/b/a CPI-USA, 1875 Walnut Hill Lane, #120, Irving, Texas 75038.

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 (2005), Hardbikes, LLC, intends to allow the establishment of V-Twin Cycles, Inc., as a dealership for the sale of Hardbikes motorcycles at 17050 Alico Commerce #6, Fort Myers (Lee County), Florida 33967, on or after September 19, 2006.

The name and address of the dealer operator(s) and principal investor(s) of V-Twin Cycles, Inc., are dealer operator(s): Mark Yamin, 17050 Alico Commerce #6, Fort Myers, Florida 33967; principal investor(s): Mark Yamin, 17050 Alico Commerce #6, Fort Myers, Florida 33967.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Bob Kay, VP Sales & Marketing, Hardbikes, LLC, 2600 Kirila Road, Hermitage, Pennsylvania 16148.

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 (2005), Swift Motor Sports, Inc., d/b/a Swift Motorcycles Company, intends to allow the establishment of Rockstars and Musclecars, LLC, d/b/a Musclecars and Handlebars, as a dealership for the sale of Swift motorcycles at 333 East Landstreet Road, Orlando (Orange County), Florida 32824, on or after September 20, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Rockstars and Musclecars, LLC, d/b/a Musclecars and Handlebars are dealer operator(s): Ellwood Hunt, 333 East Landstreet Road, Orlando, Florida 32824, Lance Jones, 333 East Landstreet Road, Orlando, Florida 32824, and Chuck Reif, 333 East Landstreet Road, Orlando, Florida 32824; principal investor(s): Ellwood Hunt, 333 East Landstreet Road, Orlando, Florida 32824, Lance Jones, 333 East Landstreet Road, Orlando, Florida 32824, and Chuck Reif, 333 East Landstreet Road, Orlando, Florida 32824.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Tim Logsdon, General Manager, Swift Motor Sports, Inc., 3846 West Clarendon Avenue, Phoenix, Arizona 85019.

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 (2005), Ridley Motorcycle Company, intends to allow the establishment of Charlie Dyches Powersports, LLC, as a dealership for the sale of Ridley motorcycles, at 2314 East Edgewood Drive, Lakeland (Polk County), Florida 33803, on or after September 6, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Charlie Dyches Powersports, LLC, are dealer operator(s): Charlie Dyches, 2314 East Edgewood Drive, Lakeland, Florida 33803; principal investor(s): Charlie Dyches, 2314 East Edgewood Drive, Lakeland, Florida 33803.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Carl Ridley, President, Ridley Motorcycle Company, 35 Northwest 42nd Street, Oklahoma City, Oklahoma 73118.

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 (2005), Classic Motorcycles and Sidecars, Inc., intends to allow the establishment of AA Moped/Motorsports of Miami, Inc., as a dealership for the sale of TN'G and Flying Tiger motorcycles at 8427 Bird Road, Miami (Dade County), Florida 33155, on or after September 19, 2006.

The name and address of the dealer operator(s) and principal investor(s) of AA Moped/Motorsports of Miami, Inc., are dealer operator(s): Scott Clark, 8427 Bird Road, Miami, Florida 33155; principal investor(s): Scott Clark, 8427 Bird Road, Miami, Florida 33155.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Penny Winter, Sales Assistant, Classic Motorcycles and Sidecars, Inc., P. O. Box 969, Preston, West Virginia 98050.

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 (2005), JMSTAR Powersports, Inc., intends to allow the establishment of Point Marine, Inc., as a dealership for the sale of Kaitong and JMSTAR motorcycles at 3330 North Federal Highway, Lighthouse Point (Broward County), Florida 33064, on or after August 25, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Point Marine, Inc., are dealer operator(s): Troy Estes, 3330 North Federal Highway, Lighthouse Point, Florida 33064; principal investor(s): Troy Estes, 3330 North Federal Highway, Lighthouse Point, Florida 33064.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Yenong Xie, President, JMSTAR Powersports, Inc., 400 Northwest 141st Avenue, #207, Pembroke Pines, Florida 33028.

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 (2005), Mod Cycles, Inc., intends to allow the establishment of Scooters Plus, LLC, as a dealership for the sale of ZHEJ, ZONG, and DECE motorcycles at 4700 Babcock Road Northeast, Suite 23, Palm Bay (Brevard County), Florida 32905, on or after September 8, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Scooters Plus, LLC, are dealer operator(s): Ernest A. Martin, 4700 Babcock Road, Northeast, Suite 23, Palm Bay, Florida 32905; principal investor(s): Ernest A. Martin, 4700 Babcock Road Northeast, Suite 23, Palm Bay, Florida 32905.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Patricia Torres, Mod Cycles Corporation, 7547 Northwest 52nd Street, Miami, Florida 33166.

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 (2005), Mod Cycles Corporation intends to allow the establishment of New Smyrna Beach, Inc., as a dealership for the sale of ZHEJ, ZONG, and DECE motorcycles, at 323 B Flagler Avenue, New Smyrna Beach (Volusia County), Florida 32169, on or after September 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of New Smyrna Beach Scooters, Inc., are dealer operator(s): Lawrence Johnson, 323 B Flagler Avenue, New Smyrna Beach, Florida 32169; principal investor(s): Lawrence Johnson, 323 B Flagler Avenue, New Smyrna Beach, Florida 32169.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Patricia Torres, Mod Cycles Corporation, 7547 Northwest 52nd Street, Miami, Florida 33166.

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 (2005), STR Motorsports, Inc., intends to allow the establishment of New Smyrna Beach Scooters, Inc., as a dealership for the sale of

KYMCO motorcycles at 323 B Flagler Avenue, New Smyrna Beach (Volusia County), Florida 32169, on or after September 8, 2006.

The name and address of the dealer operator(s) and principal investor(s) of New Smyrna Beach Scooters, Inc., are dealer operator(s): Lawrence Johnson, 646 South Pine Street, New Smyrna Beach, Florida 32169; principal investor(s): Lawrence Johnson, 646 South Pine Street, New Smyrna Beach, Florida 32169.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Bruce Ramsey, VP of Sales/Marketing, 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.

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 (2005), Zongshen, Inc., intends to allow the establishment of Superior Engineering Corporation of America, Inc., d/b/a Motor Toys, as a dealership for the sale of Zongshen motorcycles at 4520 North Tamiami Trail, Naples (Collier County), Florida 34103, on or after September 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Superior Engineering Corporation of America, Inc., d/b/a Motor Toys are dealer operator(s): George

Burt, 4520 North Tamiami Trail, Naples, Florida 34103; principal investor(s): George Burt, 4520 North Tamiami Trail, Naples, Florida 34103.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, 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: Cavan Chan, Authorized Representative, Zongshen, Inc., 3511 Northwest 113th Court, Doral, Florida 33178.

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

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Health Care Administration has received an application for partial services exemption from Capital Regional Medical Center, Tallahassee, Florida, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.207, Florida Administrative Code. The service category requested is Vascular Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing: Agency for Health Care Administration, Attention: Donna Sharp, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)414-0360 or e-mail sharpd@ahca.myflorida.com.

NOTICE OF BATCHED APPLICATION RECEIPT
AND

NOTICE OF TENTATIVE PUBLIC HEARINGS

The Agency for Health Care Administration has received and accepted the following Certificate of Need applications for review in the batched Hospital Beds & Facilities review cycle with an application due date of September 13, 2006.

County: Citrus District: 3
CON #: 9933 Application Receipt Date: 9/12/2006
Facility/Project: Seven Rivers Regional Medical Center
Applicant: Citrus HMA, Inc.
Project Description: Establish up to a 20-bed comprehensive medical rehabilitation unit
County: Lake District: 3
CON #: 9934 Application Receipt Date: 9/13/2006
Facility/Project: Promise Healthcare of Florida III, Inc.
Applicant: Promise Healthcare of Florida III, Inc.
Project Description: Establish a 40-bed long-term care hospital
County: Lake District: 3
CON #: 9935 Application Receipt Date: 9/12/2006
Facility/Project: Select Specialty Hospital – Lake, Inc.
Applicant: Select Specialty Hospital – Lake, Inc.
Project Description: Establish a long-term care hospital of up to 60 beds
County: Levy District: 3
CON #: 9936 Application Receipt Date: 9/13/2006
Facility/Project: Ameris Health System, L.L.C.
Applicant: Ameris Health System, L.L.C.
Project Description: Establish a Class I acute care hospital of up to 100 beds
County: Sumter District: 3
CON #: 9937 Application Receipt Date: 9/13/2006
Facility/Project: Wildwood Medical Center, Inc.
Applicant: Wildwood Medical Center, Inc.
Project Description: Establish a Class I acute care hospital of up to 100 beds
County: Orange District: 7

CON #: 9938 Application Receipt Date: 9/13/2006
Facility/Project: Orlando Regional Lucerne Hospital
Applicant: Orlando Regional Healthcare System, Inc.
Project Description: Add 18 CMR beds to Orlando Regional Lucerne Hospital through the delicensure of 18 CMR beds from Orlando Regional Sand Lake Hospital
County: Orange District: 7
CON #: 9939 Application Receipt Date: 9/12/2006
Facility/Project: The Nemours Foundation
Applicant: The Nemours Foundation
Project Description: Establish a Level II NICU of up to 15 beds
County: Martin District: 9
CON #: 9940 Application Receipt Date: 9/13/2006
Facility/Project: Promise Healthcare of Florida IX, Inc.
Applicant: Promise Healthcare of Florida IX, Inc.
Project Description: Establish a 40-bed long-term care hospital
County: St. Lucie District: 9
CON #: 9941 Application Receipt Date: 9/13/2006
Facility/Project: Kindred Hospitals East, L.L.C.
Applicant: Kindred Hospitals East, L.L.C.
Project Description: Establish a 50-bed long-term care hospital
County: St. Lucie District: 9
CON #: 9942 Application Receipt Date: 9/12/2006
Facility/Project: Select Specialty Hospital – St. Lucie, Inc.
Applicant: Select Specialty Hospital – St. Lucie, Inc.
Project Description: Establish a long-term care hospital of up to 60 beds
County: Palm Beach District: 9
CON #: 9943 Application Receipt Date: 9/12/2006
Facility/Project: Delray Medical Center
Applicant: Delray Medical Center, Inc.
Project Description: Establish up to a 90-bed CMR unit at Delray Medical Center through delicensure of up to 90 CMR beds at Pinecrest Rehabilitation Hospital
County: St. Lucie District: 9
CON #: 9944 Application Receipt Date: 9/13/2006
Facility/Project: Martin Memorial Medical Center, Inc.
Applicant: Martin Memorial Medical Center, Inc.
Project Description: Establish a Class I acute care hospital of up to 80 beds
County: Broward District: 10
CON #: 9945 Application Receipt Date: 9/13/2006

Facility/Project: Promise Healthcare of Florida X, Inc.
Applicant: Promise Healthcare of Florida X, Inc.
Project Description: Establish a 40-bed long-term care hospital
County: Broward District: 10
CON #: 9946 Application Receipt Date: 9/12/2006
Facility/Project: Select Specialty Hospital – Broward, Inc.
Applicant: Select Specialty Hospital – Broward, Inc.
Project Description: Establish a long-term care hospital of up to 60 beds
County: Dade District: 11
CON #: 9947 Application Receipt Date: 9/13/2006
Facility/Project: Promise Healthcare of Florida XI, Inc.
Applicant: Promise Healthcare of Florida XI, Inc.
Project Description: Establish a 60-bed long-term care hospital
County: Dade District: 11
CON #: 9948 Application Receipt Date: 9/13/2006
Facility/Project: Kindred Hospitals East, L.L.C.
Applicant: Kindred Hospitals East, L.L.C.
Project Description: Establish a 60-bed long-term care hospital
County: Dade District: 11
CON #: 9949 Application Receipt Date: 9/13/2006
Facility/Project: Miami Jewish Home & Hospital for the Aged, Inc.
Applicant: Miami Jewish Home & Hospital for the Aged, Inc.
Project Description: Establish a long-term care hospital of up to 80 beds
County: Dade District: 11
CON #: 9950 Application Receipt Date: 9/12/2006
Facility/Project: Select Specialty Hospital – Dade, Inc.
Applicant: Select Specialty Hospital – Dade, Inc.
Project Description: Establish a long-term care hospital of up to 80 beds
County: Dade District: 11
CON #: 9951 Application Receipt Date: 9/11/2006
Facility/Project: Mount Sinai Medical Center of Florida, Inc.
Applicant: Mount Sinai Medical Center of Florida, Inc.
Project Description: Establish a Class I acute care hospital of up to 120 beds

Also, IF REQUESTED, tentative public hearings have been scheduled as follows:

PROPOSALS: District 3
DATE AND TIME: Tuesday, October 31, 2006, 1:00 p.m.

PLACE: WellFlorida Council Conference Room
1785 N. W. 80th Blvd.
Gainesville, FL 32606
PROPOSALS: District 7
DATE AND TIME: Wednesday, October 25, 2006
9:00 a.m. – 12:00 Noon
PLACE: Heart of Florida United Way
1940 Traylor Boulevard
Orlando, FL 32804
PROPOSALS: District 9
DATE AND TIME: Thursday, October 26, 2006, 10:00 a.m.
PLACE: Treasure Coast Health Council
4152 West Blue Heron Boulevard
Suite 229
Riviera Beach, FL 33404
PROPOSALS: District 10
DATE AND TIME: Thursday, October 26, 2006, 1:00 p.m.
PLACE: Broward Regional Health Planning Council, Inc.
915 Middle River Drive
Conference Room 115
Fort Lauderdale, FL 33304
PROPOSALS: District 11
DATE AND TIME: Tuesday, October 31, 2006, 9:00 a.m.
PLACE: Health Council of South Florida, Inc.
Conference Room
8095 N. W. 12th Street, Suite 300
Miami, FL 33126

Public hearing requests must be in writing and be received at: Agency for Health Care Administration, CON Office, 2727 Mahan Drive, Mail Stop 28, Tallahassee, Florida 32308, attention Karen Rivera, by 5:00 p.m., October 13, 2006. In lieu of requesting and attending a public hearing, written comments submitted to the department relative to the merits of these applications will become part of the official project application file. Pursuant to subsection 59C-1.010(3), F.A.C., written comments must be received by October 18, 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE OF FLORIDA COASTAL MANAGEMENT PROGRAM – ROUTINE PROGRAM CHANGE

On September 1, 2006, the State received concurrence from the Federal Office of Ocean and Coastal Resource Management (OCRM) that the proposed changes to the approved Florida Coastal Management Program (FCMP), as noted in the routine program change submission located at http://www.dep.state.fl.us/cmp/federal/fedconsv_05.htm constitute routine changes as defined by 15 CFR 923.84, implementing the Federal Coastal Zone Management Act (16 U.S.C. ss. 1451 et seq.). These routine program changes incorporate all changes enacted by the Florida Legislature in 2005 to the following statutes: Chapter 161, Florida Statutes (F.S.), Beach and Shore Preservation; Chapter 163, Part II, F.S., Growth Policy; County and Municipal Planning; Land Development Regulation; Chapter 186, F.S., State and Regional Planning; Chapter 252, F.S., Emergency Management; Chapter 253, F.S., State Lands; Chapter 258, F.S., State Parks and Preserves; Chapter 259, F.S., Land Acquisitions for Conservation or Recreation; Chapter 260, F.S., Recreational Trails System; Chapter 267, F.S., Historical Resources; Chapter 288, F.S., Commercial Development and Capital Improvements; Chapter 334, F.S., Transportation Administration; Chapter 339, F.S., Transportation Finance and Planning; Chapter 370, F.S., Saltwater Fisheries; Chapter 372, F.S., Wildlife; Chapter 373, F.S., Water Resources; Chapter 375, F.S., Multipurpose Outdoor Recreation; Land Acquisition, Management, and Conservation; Chapter 376, F.S., Pollutant Discharge Prevention and Removal; Chapter 377, F.S., Energy Resources; Chapter 380, F.S., Land and Water Management; Chapter 381, F.S., Public Health; General Provisions; Chapter 388, F.S., Mosquito Control; Chapter 403, F.S., Environmental Control; and Chapter 582, F.S., Soil and Water Conservation. Changes adopted by the Florida Legislature prior to 2005 are also included in the FCMP, with the exceptions specified in the routine program change submission located at http://www.dep.state.fl.us/cmp/federal/fedconsv_05.htm. These incorporated changes do not result in any substantial change to the enforceable policies or authorities of the FCMP related to uses

subject to management, special management areas, boundaries, authorities and organization, or coordination, public involvement and national interest.

As of the date of this notice, these statutory changes are incorporated into the FCMP and federal consistency applies to these statutory changes, except as noted. This notice has been sent to affected parties, including affected local governments, state agencies, and regional offices of relevant federal agencies as required by 15 CFR 923.84(b)(4). A list of persons and organizations notified is available for inspection or can be provided upon request by the FCMP at (850)245-2161.

For more information on this Routine Program Change, please contact: Mr. Danny Clayton, Department of Environmental Protection, Florida Coastal Management Program, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)245-2161.

DEPARTMENT OF HEALTH

On September 15, 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 Christopher Alan Clitty, L.P.N., license number PN 5154946. 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 September 14, 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 Carol A. Hicks, R.N., license number RN 3407902. 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 September 14, 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 Anita Pace, C.N.A., license number CX 69506. 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 September 15, 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 Krystle Lynne Ruland, R.N., license number RN 9225601. 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 September 15, 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 Wendy Leigh Stack, L.P.N., license number PN 1305991. 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 September 14, 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 Larry D. Payton, R.Ph., license number PS 31331. 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 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.

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, 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., October 20, 2006):

APPLICATION WITHDRAWN

Application To Acquire Control

Financial Institution to be Acquired: Intercontinental Bank, Miami, Florida

Proposed Purchasers: Eligio Cedeño, Caracas, Venezuela and Alvaro Gorriñ, Caracas, Venezuela

Withdrawn: September 14, 2006

Section XIII

Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 11, 2006 and September 15, 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 Plant Industry

5B-57.001	9/11/06	10/1/06	32/25	
5B-57.002	9/11/06	10/1/06	32/25	
5B-57.007	9/11/06	10/1/06	32/25	
5B-57.011	9/11/06	10/1/06	32/25	

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

9B-3.047	9/13/06	12/8/06	32/30	
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DEPARTMENT OF TRANSPORTATION

14-115.003	9/11/06	10/1/06	32/32	
14-115.004	9/11/06	10/1/06	32/32	

INTERLOCAL AGENCIES

Lake Apopka Natural Gas District

54C-1.001	9/12/06	10/2/06	32/30	
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DEPARTMENT OF HEALTH

Council of Licensed Midwifery

64B24-8.002	9/13/06	10/3/06	32/31	
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FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

68D-23.101	9/15/06	10/5/06	32/18	32/29
68D-23.103	9/15/06	10/5/06	32/18	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
68D-23.104	9/15/06	10/5/06	32/18	
68D-23.106	9/15/06	10/5/06	32/18	32/32
68D-23.107	9/15/06	10/5/06	32/18	32/32
68D-23.108	9/15/06	10/5/06	32/18	
68D-23.109	9/15/06	10/5/06	32/18	
68D-23.110	9/15/06	10/5/06	32/18	
68D-23.112	9/15/06	10/5/06	32/18	

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-37.401	9/15/06	10/5/06	31/44	32/31
69A-37.402	9/15/06	10/5/06	31/44	32/31
69A-37.403	9/15/06	10/5/06	31/44	32/31
69A-37.404	9/15/06	10/5/06	31/44	32/31
69A-37.405	9/15/06	10/5/06	31/44	32/31
69A-37.406	9/15/06	10/5/06	31/44	32/31
69A-37.407	9/15/06	10/5/06	31/44	32/31
69A-37.408	9/15/06	10/5/06	31/44	32/31
69A-37.409	9/15/06	10/5/06	31/44	32/31

Division of Insurance Fraud

69D-2.001	9/15/06	10/5/06	32/16	32/31
69D-2.002	9/15/06	10/5/06	32/16	32/31
69D-2.003	9/15/06	10/5/06	32/16	32/31
69D-2.004	9/15/06	10/5/06	32/16	32/31
69D-2.005	9/15/06	10/5/06	32/16	32/31